

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 683
AN ACT

To repeal sections 21.795, 32.063, 136.055, 142.800, 144.060, 144.070, 226.030, 260.750, 301.010, 301.032, 301.131, 301.140, 301.150, 301.280, 301.290, 301.310, 301.420, 301.440, 301.562, 301.716, 302.302, 302.341, 302.545, 302.700, 302.735, 302.755, 302.775, 304.155, 304.170, 304.260, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 311.326, 387.040, 476.385, 556.021, 565.081, 565.082, and 565.083, RSMo, and to enact in lieu thereof seventy new sections relating to transportation, with penalty provisions and an emergency clause for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 21.795, 32.063, 136.055, 142.800,
2 144.060, 144.070, 226.030, 260.750, 301.010, 301.032, 301.131,
3 301.140, 301.150, 301.280, 301.290, 301.310, 301.420, 301.440,
4 301.562, 301.716, 302.302, 302.341, 302.545, 302.700, 302.735,
5 302.755, 302.775, 304.155, 304.170, 304.260, 307.010, 307.015,
6 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195,
7 307.198, 307.365, 307.375, 307.390, 307.400, 311.326, 387.040,
8 476.385, 556.021, 565.081, 565.082, and 565.083, RSMo, are
9 repealed and seventy new sections enacted in lieu thereof, to be
10 known as sections 21.795, 32.063, 32.095, 136.055, 142.800,
11 144.060, 144.070, 226.030, 227.295, 227.297, 227.310, 227.313,
12 227.320, 227.368, 227.402, 227.406, 227.407, 227.410, 260.392,

260.750, 301.032, 301.010, 301.131, 301.140, 301.150, 301.165,
301.280, 301.290, 301.310, 301.420, 301.440, 301.562, 301.571,
301.716, 301.3155, 302.182, 302.184, 302.302, 302.341, 302.545,
302.700, 302.735, 302.755, 302.775, 304.155, 304.170, 304.260,
304.285, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155,
307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390,
307.400, 311.326, 387.040, 476.385, 488.006, 556.021, 565.081,
565.082, and 565.083, to read as follows:

21.795. 1. There is established a permanent joint
committee of the general assembly to be known as the "Joint
Committee on Transportation Oversight" to be composed of seven
members of the standing transportation committees of both the
senate and the house of representatives and three nonvoting ex
officio members. Of the fourteen members to be appointed to the
joint committee, the seven senate members of the joint committee
shall be appointed by the president pro tem of the senate and
minority leader of the senate and the seven house members shall
be appointed by the speaker of the house of representatives and
the minority floor leader of the house of representatives. No
major party shall be represented by more than four members from
the house of representatives nor more than four members from the
senate. The ex officio members shall be the state auditor, the
director of the oversight division of the committee on
legislative research, and the commissioner of the office of
administration or the designee of such auditor, director or
commissioner. The joint committee shall be chaired jointly by
both chairs of the senate and house transportation committees. A
majority of the committee shall constitute a quorum, but the

1 concurrence of a majority of the members, other than the ex
2 officio members, shall be required for the determination of any
3 matter within the committee's duties.

4 2. [The transportation inspector general shall be appointed
5 by majority vote of a group consisting of the speaker of the
6 house of representatives, the minority floor leader of the house
7 of representatives, the president pro tempore of the senate, and
8 the minority floor leader of the senate. It shall be the duty of
9 the inspector general to serve as the executive director of the
10 joint committee on transportation oversight. The compensation of
11 the inspector general and other personnel shall be paid from the
12 joint contingent fund or jointly from the senate and house
13 contingent funds until an appropriation is made therefor. No
14 funds from highway user fees or other funds allocated for the
15 operation of the department of transportation shall be used for
16 the compensation of the inspector general and his or her staff.
17 The joint committee inspector general initially appointed
18 pursuant to this section shall take office January 1, 2004, for a
19 term ending June 30, 2005. Subsequent joint committee on
20 transportation oversight directors shall be appointed for
21 five-year terms, beginning July 1, 2005. Any joint committee on
22 transportation oversight inspector general whose term is expiring
23 shall be eligible for reappointment. The inspector general of
24 the joint committee on transportation oversight shall:

25 (1) Be qualified by training or experience in
26 transportation policy, management of transportation
27 organizations, accounting, auditing, financial analysis, law,
28 management analysis, or public administration;

1 (2) Report to and be under the general supervision of the
2 joint committee. The joint committee on transportation oversight
3 shall, by a majority vote, direct the inspector general to
4 perform specific investigations, reviews, audits, or other
5 studies of the state department of transportation, in which
6 instance the director shall report the findings and
7 recommendations directly to the joint committee on transportation
8 oversight. All investigations, reviews, audits, or other studies
9 performed by the director shall be conducted so that the general
10 assembly can procure information to assist it in formulating
11 transportation legislation and policy for this state;

12 (3) Receive and process citizen complaints relating to
13 transportation issues. The inspector general shall, when
14 necessary, submit a written complaint report to the joint
15 committee on transportation oversight and the highways and
16 transportation commission. The complaint report shall contain
17 the date, time, nature of the complaint, and any immediate facts
18 and circumstances surrounding the initial report of the
19 complaint. The inspector general shall investigate a citizen
20 complaint if he or she is directed to do so by a majority of the
21 joint committee on transportation oversight;

22 (4) Investigate complaints from current and former
23 employees of the department of transportation if the inspector
24 general receives information from an employee which shows:

- 25 (a) The department is violating a law, rule, or regulation;
26 (b) Gross mismanagement by department officers;
27 (c) Waste of funds by the department;
28 (d) That the department is engaging in activities which

pose a danger to public health and safety;

(5) Maintain confidentiality with respect to all matters and the identities of the complainants or witnesses coming before the inspector general except insofar as disclosures may be necessary to enable the inspector general to carry out duties and to support recommendations;

(6) Maintain records of all investigations conducted, including any record or document or thing, any summary, writing, complaint, data of any kind, tape or video recordings, electronic transmissions, e-mail, or other paper or electronic documents, records, reports, digital recordings, photographs, software programs and software, expense accounts, phone logs, diaries, travel logs, or other things, including originals or copies of any of the above. Records of investigations by the inspector general shall be an "investigative report" of a law enforcement agency pursuant to the provisions of section 610.100, RSMo. As provided in such section, such records shall be a closed record until the investigation becomes inactive. If the inspector general refers a violation of law to the appropriate prosecuting attorney or the attorney general, such records shall be transmitted with the referral. If the inspector general finds no violation of law or determines not to refer the subject of the investigation to the appropriate prosecuting attorney or the attorney general regarding matters referred to the appropriate prosecuting attorney or the attorney general and the statute of limitations expires without any action being filed, the record shall remain closed. As provided in section 610.100, RSMo, any person may bring an action pursuant to this section in the

1 circuit court having jurisdiction to authorize disclosure of
2 information in the records of the inspector general which would
3 otherwise be closed pursuant to this section. Any disclosure of
4 records by the inspector general in violation of this section
5 shall be grounds for a suit brought by any individual, person, or
6 corporation to recover damages, and upon award to the plaintiff
7 reasonable attorney's fees.

8 3.] The department of transportation shall submit a written
9 report prior to November tenth of each year to the governor,
10 lieutenant governor, and every member of the senate and house of
11 representatives. The report shall be posted to the department's
12 Internet web site so that general assembly members may elect to
13 access a copy of the report electronically. The written report
14 shall contain the following:

15 (1) A comprehensive financial report of all funds for the
16 preceding state fiscal year which shall include a report by
17 independent certified public accountants, selected by the
18 commissioner of the office of administration, attesting that the
19 financial statements present fairly the financial position of the
20 department in conformity with generally accepted government
21 accounting principles. This report shall include amounts of:

22 (a) State revenues by sources, including all new state
23 revenue derived from highway users which results from action of
24 the general assembly or voter-approved measures taken after
25 August 28, 2003, and projects funded in whole or in part from
26 such new state revenue, and amounts of federal revenues by
27 source;

28 (b) Any other revenues available to the department by

1 source;

2 (c) Funds appropriated, the amount the department has
3 budgeted and expended for the following: contracts, right-of-way
4 purchases, preliminary and construction engineering, maintenance
5 operations and administration;

6 (d) Total state and federal revenue compared to the revenue
7 estimate in the fifteen-year highway plan as adopted in 1992.
8 All expenditures made by, or on behalf of, the department for
9 personal services including fringe benefits, all categories of
10 expense and equipment, real estate and capital improvements shall
11 be assigned to the categories listed in this subdivision in
12 conformity with generally accepted government accounting
13 principles;

14 (2) A detailed explanation of the methods or criteria
15 employed to select construction projects, including a listing of
16 any new or reprioritized projects not mentioned in a previous
17 report, and an explanation as to how the new or reprioritized
18 projects meet the selection methods or criteria;

19 (3) The proposed allocation and expenditure of moneys and
20 the proposed work plan for the current fiscal year, at least the
21 next four years, and for any period of time expressed in any
22 public transportation plan approved by either the general
23 assembly or by the voters of Missouri. This proposed allocation
24 and expenditure of moneys shall include the amounts of proposed
25 allocation and expenditure of moneys in each of the categories
26 listed in subdivision (1) of this subsection;

27 (4) The amounts which were planned, estimated and expended
28 for projects in the state highway and bridge construction program

1 or any other projects relating to other modes of transportation
2 in the preceding state fiscal year and amounts which have been
3 planned, estimated or expended by project for construction work
4 in progress;

5 (5) The current status as to completion, by project, of the
6 fifteen-year road and bridge program adopted in 1992. The first
7 written report submitted pursuant to this section shall include
8 the original cost estimate, updated estimate and final completed
9 cost by project. Each written report submitted thereafter shall
10 include the cost estimate at the time the project was placed on
11 the most recent five-year highway and bridge construction plan
12 and the final completed cost by project;

13 (6) The reasons for cost increases or decreases exceeding
14 five million dollars or ten percent relative to cost estimates
15 and final completed costs for projects in the state highway and
16 bridge construction program or any other projects relating to
17 other modes of transportation completed in the preceding state
18 fiscal year. Cost increases or decreases shall be determined by
19 comparing the cost estimate at the time the project was placed on
20 the most recent five-year highway and bridge construction plan
21 and the final completed cost by project. The reasons shall
22 include the amounts resulting from inflation, department-wide
23 design changes, changes in project scope, federal mandates, or
24 other factors;

25 (7) Specific recommendations for any statutory or
26 regulatory changes necessary for the efficient and effective
27 operation of the department;

28 (8) An accounting of the total amount of state, federal and

1 earmarked federal highway funds expended in each district of the
2 department of transportation; and

3 (9) Any further information specifically requested by the
4 joint committee on transportation oversight.

5 [4.] 3. Prior to December first of each year, the committee
6 shall hold an annual meeting and call before its members,
7 officials or employees of the state highways and transportation
8 commission or department of transportation, as determined by the
9 committee, for the sole purpose of receiving and examining the
10 report required pursuant to subsection [3] 2 of this section.

11 [The joint committee may also call before its members at the
12 annual meeting, the inspector general of the joint committee on
13 transportation oversight for purposes authorized in this
14 section.] The committee shall not have the power to modify
15 projects or priorities of the state highways and transportation
16 commission or department of transportation. The committee may
17 make recommendations to the state highways and transportation
18 commission or the department of transportation. Disposition of
19 those recommendations shall be reported by the commission or the
20 department to the joint committee on transportation oversight.

21 [5.] 4. In addition to the annual meeting required by
22 subsection [4] 3 of this section, the committee shall meet two
23 times each year. The co-chairs of the committee shall establish
24 an agenda for each meeting that may include, but not be limited
25 to, the following items to be discussed with the committee
26 members throughout the year during the scheduled meeting:

27 (1) Presentation of a prioritized plan for all modes of
28 transportation;

1 (2) Discussion of department efficiencies and expenditure
2 of cost-savings within the department;

3 (3) Presentation of a status report on department of
4 transportation revenues and expenditures, including a detailed
5 summary of projects funded by new state revenue as provided in
6 paragraph (a) of subdivision (1) of subsection [3] 2 of this
7 section; and

8 (4) [Review of any report from the joint committee
9 inspector general; and

10 (5)] Implementation of any actions as may be deemed
11 necessary by the committee as authorized by law.

12
13 The co-chairs of the committee may call special meetings of the
14 committee with ten days' notice to the members of the committee,
15 the director of the department of transportation, and the
16 department of transportation.

17 [6.] 5. The committee shall also review [for approval or
18 denial] all applications for the development of specialty plates
19 submitted to it by the department of revenue. The committee
20 shall approve such application by [unanimous] a majority vote.
21 The committee shall [not] approve any application [if] unless the
22 committee receives:

23 _____(1) A signed petition from five house members or two
24 senators that they are opposed to the approval of the proposed
25 license plate and the reason for such opposition;

26 _____(2) Notification that the organization seeking
27 authorization to establish a new specialty license plate has not
28 met all the requirements of section 301.3150, RSMo;

1 (3) A proposed new specialty license plate containing
2 objectionable language or design;

3 (4) A proposed license plate not meeting the requirements
4 of any reason promulgated by rule.

5
6 The committee shall notify the director of the department of
7 revenue upon approval or denial of an application for the
8 development of a specialty plate.

9 [7.] 6. The committee shall submit records of its meetings
10 to the secretary of the senate and the chief clerk of the house
11 of representatives in accordance with sections 610.020 and
12 610.023, RSMo.

13 32.063. 1. The director of revenue[, his] and the
14 director's employees or agents may accept credit cards in payment
15 of taxes and fees. The type of credit cards accepted shall be at
16 the discretion of the director.

17 2. In addition to other fees provided by law, the director
18 of revenue and the director's employees or agents may set a fee
19 to be added to each credit card transaction equal to the charge
20 paid by the state or the taxpayer for the use of the credit card
21 by the taxpayer. No other fees shall be imposed other than those
22 herein authorized.

23 32.095. 1. Beginning January 1, 2012, the director of the
24 department of revenue may select or appoint any motor vehicle
25 dealer, as such term is defined in chapter 301, RSMo, to act as
26 an agent of the department of revenue for the purpose of titling
27 and registering motor vehicles under chapter 301, RSMo. Such
28 motor vehicle dealers shall only act as an agent under this

1 section for an initial sale or lease of a motor vehicle, but
2 shall not act as an agent under this section for any subsequent
3 registration under chapter 301 or 306, RSMo.

4 2. The director of revenue may promulgate rules to
5 administer the provisions of this section. Any rule or portion
6 of a rule, as that term is defined in section 536.010, RSMo, that
7 is created under the authority delegated in this section shall
8 become effective only if it complies with and is subject to all
9 of the provisions of chapter 536, RSMo, and, if applicable,
10 section 536.028, RSMo. This section and chapter 536, RSMo, are
11 nonseverable and if any of the powers vested with the general
12 assembly pursuant to chapter 536, RSMo, to review, to delay the
13 effective date, or to disapprove and annul a rule are
14 subsequently held unconstitutional, then the grant of rulemaking
15 authority and any rule proposed or adopted after August 28, 2009,
16 shall be invalid and void.

17 136.055. 1. Any person who is selected or appointed by the
18 state director of revenue as provided in subsection 2 of this
19 section to act as an agent of the department of revenue, whose
20 duties shall be the [sale] processing of motor vehicle [licenses]
21 title and registration transactions and the collection of [motor
22 vehicle] sales and use taxes when required under [the provisions
23 of section] sections 144.070 and 144.440, RSMo, and who receives
24 no salary from the department of revenue, shall be authorized to
25 collect from the party requiring such services additional fees as
26 compensation in full and for all services rendered on the
27 following basis:

28 (1) For each motor vehicle or trailer [license sold]

1 registration issued, renewed or transferred--[two dollars and
2 fifty cents beginning January 1, 1998; and four dollars beginning
3 July 1, 2000; and five dollars beginning August 28, 2002, for
4 those licenses biennially renewed pursuant to section 301.147,
5 RSMo. Beginning July 1, 2003, for each motor vehicle or trailer
6 license sold, renewed or transferred--]three dollars and fifty
7 cents and seven dollars for those licenses sold or biennially
8 renewed pursuant to section 301.147, RSMo;

9 (2) For each application or transfer of title--two dollars
10 and fifty cents [beginning January 1, 1998];

11 (3) For each instruction permit, nondriver license,
12 chauffeur's, operator's or driver's license issued for a period
13 of three years or less--two dollars and fifty cents and five
14 dollars for licenses or instruction permits issued or renewed for
15 a period exceeding three years;

16 (4) For each notice of lien processed--two dollars and
17 fifty cents [beginning August 28, 2000];

18 (5) No notary fee or other fee or additional charge shall
19 be paid or collected except for electronic telephone transmission
20 reception--two dollars.

21 2. The director of revenue shall award fee office contracts
22 under this section through a competitive bidding process. The
23 bidding process shall give priority to school districts or
24 coalitions of school districts, charitable organizations,
25 nonprofit organizations, and political subdivisions. The
26 director of the department of revenue may promulgate rules and
27 regulations necessary to carry out the provisions of this
28 subsection. Any rule or portion of a rule, as that term is

1 defined in section 536.010, RSMo, that is created under the
2 authority delegated in this subsection shall become effective
3 only if it complies with and is subject to all of the provisions
4 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo.
5 This section and chapter 536, RSMo, are nonseverable and if any
6 of the powers vested with the general assembly pursuant to
7 chapter 536, RSMo, to review, to delay the effective date, or to
8 disapprove and annul a rule are subsequently held
9 unconstitutional, then the grant of rulemaking authority and any
10 rule proposed or adopted after August 28, 2009, shall be invalid
11 and void.

12 3. All fees collected by a tax-exempt organization may be
13 retained and used by the organization.

14 [2.] 4. All fees charged shall not exceed those in this
15 section. [Beginning July 1, 2003,] The fees imposed by this
16 section shall be collected by all permanent [branch] offices and
17 all full-time or temporary offices maintained by the department
18 of revenue.

19 [3.] 5. Any person acting as agent of the department of
20 revenue for the sale and issuance of registrations, licenses, and
21 other documents related to motor vehicles shall have an insurable
22 interest in all license plates, licenses, tabs, forms and other
23 documents held on behalf of the department.

24 [4.] 6. [The fee increases authorized by this section and
25 approved by the general assembly were requested by the fee
26 agents. All fee agent offices shall display a three foot by four
27 foot sign with black letters of at least three inches in height
28 on a white background which states:

1 The increased fees approved by the Missouri Legislature and
2 charged by this fee office were requested by the fee agents.】

3 The fees authorized by this section shall not be collected by
4 motor vehicle dealers acting as agents of the department of
5 revenue under section 32.095, RSMo, or those motor vehicle
6 dealers authorized to collect and remit sales tax under
7 subsection 8 of section 144.070, RSMo.

8 142.800. As used in this chapter, the following words,
9 terms and phrases have the meanings given:

10 (1) "Agricultural purposes", clearing, terracing or
11 otherwise preparing the ground on a farm; preparing soil for
12 planting and fertilizing, cultivating, raising and harvesting
13 crops; raising and feeding livestock and poultry; building
14 fences; pumping water for any and all uses on the farm, including
15 irrigation; building roads upon any farm by the owner or person
16 farming the same; operating milking machines; sawing wood for use
17 on a farm; producing electricity for use on a farm; movement of
18 tractors, farm implements and nonlicensed equipment from one
19 field to another;

20 (2) "Alternative fuel", electricity, liquefied petroleum
21 gas (LPG or LP gas), compressed natural gas product, or a
22 combination of liquefied petroleum gas and a compressed natural
23 gas or electricity product used in an internal combustion engine
24 or motor to propel any form of vehicle, machine, or mechanical
25 contrivance. It includes all forms of fuel commonly or
26 commercially known or sold as butane, propane, or compressed
27 natural gas;

28 (3) "Aviation fuel", any motor fuel specifically compounded

1 for use in reciprocating aircraft engines;

2 (4) "Blend stock", any petroleum product component of motor
3 fuel, such as naphtha, reformat, toluene or kerosene, that can be
4 blended for use in a motor fuel without further processing. The
5 term includes those petroleum products presently defined by the
6 Internal Revenue Service in regulations pursuant to 26 U.S.C.,
7 Sections 4081 and 4082, as amended. However, the term does not
8 include any substance that:

9 (a) Will be ultimately used for consumer nonmotor fuel use;
10 and

11 (b) Is sold or removed in drum quantities (fifty-five
12 gallons) or less at the time of the removal or sale;

13 (5) "Blended fuel", a mixture composed of motor fuel and
14 another liquid including blend stock, other than a de minimis
15 amount of a product such as carburetor detergent or oxidation
16 inhibitor, that can be used as a fuel in a highway vehicle. This
17 term includes but is not limited to gasohol, ethanol, methanol,
18 fuel grade alcohol, diesel fuel enhancers and resulting blends;

19 (6) "Blender", any person that produces blended motor fuel
20 outside the bulk transfer/terminal system;

21 (7) "Blending", the mixing of one or more petroleum
22 products, with or without another product, regardless of the
23 original character of the product blended, if the product
24 obtained by the blending is capable of use or otherwise sold for
25 use in the generation of power for the propulsion of a motor
26 vehicle, an airplane, or a motorboat. The term does not include
27 the blending that occurs in the process of refining by the
28 original refiner of crude petroleum or the blending of products

1 known as lubricating oil and greases;

2 (8) "Bulk plant", a bulk motor fuel storage and
3 distribution facility that is not a terminal within the bulk
4 transfer system and from which motor fuel may be removed by
5 truck;

6 (9) "Bulk transfer", any transfer of motor fuel from one
7 location to another by pipeline tender or marine delivery within
8 the bulk transfer/terminal system;

9 (10) "Bulk transfer/terminal system", the motor fuel
10 distribution system consisting of refineries, pipelines, vessels,
11 and terminals. Motor fuel in a refinery, pipeline, boat, barge
12 or terminal is in the bulk transfer/terminal system. Motor fuel
13 in the fuel supply tank of any engine, or in any tank car, rail
14 car, trailer, truck, or other equipment suitable for ground
15 transportation is not in the bulk transfer/terminal system;

16 (11) "Consumer", the user of the motor fuel;

17 (12) "Delivery", the placing of motor fuel or any liquid
18 into the fuel tank of a motor vehicle or bulk storage facility;

19 (13) "Department", the department of revenue;

20 (14) "Destination state", the state, territory, or foreign
21 country to which motor fuel is directed for delivery into a
22 storage facility, a receptacle, a container, or a type of
23 transportation equipment for the purpose of resale or use;

24 (15) "Diesel fuel", any liquid that is commonly or
25 commercially known or sold as a fuel that is suitable for use in
26 a diesel-powered highway vehicle. A liquid meets this
27 requirement if, without further processing or blending, the
28 liquid has practical and commercial fitness for use in the

1 propulsion engine of a diesel-powered highway vehicle. "Diesel
2 fuel" does not include jet fuel sold to a buyer who is registered
3 with the Internal Revenue Service to purchase jet fuel and remit
4 taxes on its sale or use to the Internal Revenue Service.

5 "Diesel fuel" does not include biodiesel commonly referred to as
6 B100 and defined in ASTM D6751, B99, or B99.9 until such
7 biodiesel is blended with other diesel fuel or sold for highway
8 use;

9 (16) "Diesel-powered highway vehicle", a motor vehicle
10 operated on a highway that is propelled by a diesel-powered
11 engine;

12 (17) "Director", the director of revenue;

13 (18) "Distributor", a person who either produces, refines,
14 blends, compounds or manufactures motor fuel, imports motor fuel
15 into a state or exports motor fuel out of a state, or who is
16 engaged in distribution of motor fuel;

17 (19) "Dyed fuel", diesel fuel or kerosene that is required
18 to be dyed pursuant to United States Environmental Protection
19 Agency rules or is dyed pursuant to Internal Revenue Service
20 rules or pursuant to any other requirements subsequently set by
21 the United States Environmental Protection Agency or Internal
22 Revenue Service including any invisible marker requirements;

23 (20) "Eligible purchaser", a distributor who has been
24 authorized by the director to purchase motor fuel on a
25 tax-deferred basis;

26 (21) "Export", to obtain motor fuel in this state for sale
27 or other distribution outside of this state. In applying this
28 definition, motor fuel delivered out of state by or for the

1 seller constitutes an export by the seller, and motor fuel
2 delivered out of state by or for the purchaser constitutes an
3 export by the purchaser;

4 (22) "Exporter", any person, other than a supplier, who
5 purchases motor fuel in this state for the purpose of
6 transporting or delivering the fuel outside of this state;

7 (23) "Farm tractor", all tractor-type, motorized farm
8 implements and equipment but shall not include motor vehicles of
9 the truck-type, pickup truck-type, automobiles, and other motor
10 vehicles required to be registered and licensed each year
11 pursuant to the provisions of the motor vehicle license and
12 registration laws of this state;

13 (24) "Fuel grade alcohol", a methanol or ethanol with a
14 proof of not less than one hundred ninety degrees (determined
15 without regard to denaturants) and products derived from such
16 alcohol for blending with motor fuel;

17 (25) "Fuel transportation vehicle", any vehicle designed
18 for highway use which is also designed or used to transport motor
19 fuels and includes transport trucks and tank wagons;

20 (26) "Gasoline", all products commonly or commercially
21 known or sold as gasoline that are suitable for use as a motor
22 fuel. Gasoline does not include products that have an American
23 Society for Testing and Materials (ASTM) octane number of less
24 than seventy-five as determined by the "motor method";

25 (27) "Gross gallons", the total measured motor fuel,
26 exclusive of any temperature or pressure adjustments, in U.S.
27 gallons;

28 (28) "Heating oil", a motor fuel that is burned in a

1 boiler, furnace, or stove for heating or industrial processing
2 purposes;

3 (29) "Import", to bring motor fuel into this state by any
4 means of conveyance other than in the fuel supply tank of a motor
5 vehicle. In applying this definition, motor fuel delivered into
6 this state from out-of-state by or for the seller constitutes an
7 import by the seller, and motor fuel delivered into this state
8 from out-of-state by or for the purchaser constitutes an import
9 by the purchaser;

10 (30) "Import verification number", the number assigned by
11 the director with respect to a single transport truck delivery
12 into this state from another state upon request for an assigned
13 number by an importer or the transporter carrying motor fuel into
14 this state for the account of an importer;

15 (31) "Importer" includes any person who is the importer of
16 record, pursuant to federal customs law, with respect to motor
17 fuel. If the importer of record is acting as an agent, the
18 person for whom the agent is acting is the importer. If there is
19 no importer of record of motor fuel entered into this state, the
20 owner of the motor fuel at the time it is brought into this state
21 is the importer;

22 (32) "Indian country":

23 (a) Land held in trust by the United States of America for
24 the benefit of a federally recognized Indian tribe or nation;

25 (b) All land within the limits of any Indian reservation
26 under the jurisdiction of the United States government,
27 notwithstanding the issuance of any patent, and including
28 rights-of-way running through the reservation;

1 (c) All dependent Indian communities within the borders of
2 the United States whether within the original or subsequently
3 acquired territory thereof, and whether within or without the
4 limits of a state; and

5 (d) All Indian allotments, the Indian titles to which have
6 not been extinguished, including individual allotments held in
7 trust by the United States or allotments owned in fee by
8 individual Indians subject to federal law restrictions regarding
9 disposition of said allotments and including rights-of-way
10 running through the same. The term shall also include the
11 definition of Indian country as found in 18 U.S.C., Section 1151;

12 (33) "Indian tribe", "tribes", or "federally recognized
13 Indian tribe or nation", an Indian tribal entity which is
14 recognized by the United States Bureau of Indian Affairs as
15 having a special relationship with the United States. The term
16 shall also include the definition of a tribe as defined in 25
17 U.S.C., Section 479a;

18 (34) "Interstate motor fuel user", any person who operates
19 a motor fuel-powered motor vehicle with a licensed gross weight
20 exceeding twenty-six thousand pounds that travels from this state
21 into another state or from another state into this state;

22 (35) "Invoiced gallons", the gallons actually billed on an
23 invoice for payment to a supplier which shall be either gross or
24 net gallons on the original manifest or bill of lading;

25 (36) "K-1 kerosene", a petroleum product having an A.P.I.
26 gravity of not less than forty degrees, at a temperature of sixty
27 degrees Fahrenheit and a minimum flash point of one hundred
28 degrees Fahrenheit with a sulfur content not exceeding four

1 one-hundredths percent by weight;

2 (37) "Kerosene", the petroleum fraction containing
3 hydrocarbons that are slightly heavier than those found in
4 gasoline and naphtha, with a boiling range of one hundred
5 forty-nine to three hundred degrees Celsius;

6 (38) "Liquid", any substance that is liquid in excess of
7 sixty degrees Fahrenheit and at a pressure of fourteen and
8 seven-tenths pounds per square inch absolute;

9 (39) "Motor fuel", gasoline, diesel fuel, kerosene and
10 blended fuel;

11 (40) "Motor vehicle", any automobile, truck, truck-tractor
12 or any motor bus or self-propelled vehicle not exclusively
13 operated or driven upon fixed rails or tracks. The term does not
14 include:

15 (a) Farm tractors or machinery including tractors and
16 machinery designed for off-road use but capable of movement on
17 roads at low speeds, or

18 (b) A vehicle solely operated on rails;

19 (41) "Net gallons", the motor fuel, measured in U.S.
20 gallons, when corrected to a temperature of sixty degrees
21 Fahrenheit and a pressure of fourteen and seven-tenths pounds per
22 square inch absolute (psi);

23 (42) "Permissive supplier", an out-of-state supplier that
24 elects, but is not required, to have a supplier's license
25 pursuant to this chapter;

26 (43) "Person", natural persons, individuals, partnerships,
27 firms, associations, corporations, estates, trustees, business
28 trusts, syndicates, this state, any county, city, municipality,

1 school district or other political subdivision of the state,
2 federally recognized Indian tribe, or any corporation or
3 combination acting as a unit or any receiver appointed by any
4 state or federal court;

5 (44) "Position holder", the person who holds the inventory
6 position in motor fuel in a terminal, as reflected on the records
7 of the terminal operator. A person holds the inventory position
8 in motor fuel when that person has a contract with the terminal
9 operator for the use of storage facilities and terminating
10 services for motor fuel at the terminal. The term includes a
11 terminal operator who owns motor fuel in the terminal;

12 (45) "Propel", the operation of a motor vehicle, whether it
13 is in motion or at rest;

14 (46) "Public highway", every road, toll road, highway,
15 street, way or place generally open to the use of the public as a
16 matter of right for the purposes of vehicular travel, including
17 streets and alleys of any town or city notwithstanding that the
18 same may be temporarily closed for construction, reconstruction,
19 maintenance or repair;

20 (47) "Qualified terminal", a terminal which has been
21 assigned a terminal control number ("tcn") by the Internal
22 Revenue Service;

23 (48) "Rack", a mechanism for delivering motor fuel from a
24 refinery or terminal into a railroad tank car, a transport truck
25 or other means of bulk transfer outside of the bulk
26 transfer/terminal system;

27 (49) "Refiner", any person that owns, operates, or
28 otherwise controls a refinery;

1 (50) "Refinery", a facility used to produce motor fuel from
2 crude oil, unfinished oils, natural gas liquids, or other
3 hydrocarbons and from which motor fuel may be removed by
4 pipeline, by boat or barge, or at a rack;

5 (51) "Removal", any physical transfer of motor fuel from a
6 terminal, manufacturing plant, customs custody, pipeline, boat or
7 barge, refinery or any facility that stores motor fuel;

8 (52) "Retailer", a person that engages in the business of
9 selling or dispensing to the consumer within this state;

10 (53) "Supplier", a person that is:

11 (a) Registered or required to be registered pursuant to 26
12 U.S.C., Section 4101, for transactions in motor fuels in the bulk
13 transfer/terminal distribution system; and

14 (b) One or more of the following:

15 a. The position holder in a terminal or refinery in this
16 state;

17 b. Imports motor fuel into this state from a foreign
18 country;

19 c. Acquires motor fuel from a terminal or refinery in this
20 state from a position holder pursuant to either a two-party
21 exchange or a qualified buy-sell arrangement which is treated as
22 an exchange and appears on the records of the terminal operator;
23 or

24 d. The position holder in a terminal or refinery outside
25 this state with respect to motor fuel which that person imports
26 into this state. A terminal operator shall not be considered a
27 supplier based solely on the fact that the terminal operator
28 handles motor fuel consigned to it within a terminal. "Supplier"

1 also means a person that produces fuel grade alcohol or
2 alcohol-derivative substances in this state, produces fuel grade
3 alcohol or alcohol-derivative substances for import to this state
4 into a terminal, or acquires upon import by truck, rail car or
5 barge into a terminal, fuel grade alcohol or alcohol-derivative
6 substances. "Supplier" includes a permissive supplier unless
7 specifically provided otherwise;

8 (54) "Tank wagon", a straight truck having multiple
9 compartments designed or used to carry motor fuel;

10 (55) "Terminal", a bulk storage and distribution facility
11 which includes:

12 (a) For the purposes of motor fuel, is a qualified
13 terminal;

14 (b) For the purposes of fuel grade alcohol, is supplied by
15 truck, rail car, boat, barge or pipeline and the products are
16 removed at a rack;

17 (56) "Terminal bulk transfers" include but are not limited
18 to the following:

19 (a) Boat or barge movement of motor fuel from a refinery or
20 terminal to a terminal;

21 (b) Pipeline movements of motor fuel from a refinery or
22 terminal to a terminal;

23 (c) Book transfers of product within a terminal between
24 suppliers prior to completion of removal across the rack; and

25 (d) Two-party exchanges or buy-sell supply arrangements
26 within a terminal between licensed suppliers;

27 (57) "Terminal operator", any person that owns, operates,
28 or otherwise controls a terminal. A terminal operator may own

1 the motor fuel that is transferred through or stored in the
2 terminal;

3 (58) "Transmix", the buffer or interface between two
4 different products in a pipeline shipment, or a mix of two
5 different products within a refinery or terminal that results in
6 an off-grade mixture;

7 (59) "Transport truck", a semitrailer combination rig
8 designed or used to transport motor fuel over the highways;

9 (60) "Transporter", any operator of a pipeline, barge,
10 railroad or transport truck engaged in the business of
11 transporting motor fuels;

12 (61) "Two-party exchange", a transaction in which the motor
13 fuel is transferred from one licensed supplier or licensed
14 permissive supplier to another licensed supplier or licensed
15 permissive supplier and:

16 (a) Which transaction includes a transfer from the person
17 that holds the original inventory position for motor fuel in the
18 terminal as reflected on the records of the terminal operator;
19 and

20 (b) The exchange transaction is simultaneous with removal
21 from the terminal by the receiving exchange partner. However, in
22 any event, the terminal operator in its books and records treats
23 the receiving exchange party as the supplier which removes the
24 product across a terminal rack for purposes of reporting such
25 events to this state;

26 (62) "Ultimate vendor", a person that sells motor fuel to
27 the consumer;

28 (63) "Undyed diesel fuel", diesel fuel that is not subject

1 to the United States Environmental Protection Agency dyeing
2 requirements, or has not been dyed in accordance with Internal
3 Revenue Service fuel dyeing provisions; and

4 (64) "Vehicle fuel tank", any receptacle on a motor vehicle
5 from which fuel is supplied for the propulsion of the motor
6 vehicle.

7 144.060. It shall be the duty of every person making any
8 purchase or receiving any service upon which a tax is imposed by
9 sections 144.010 to 144.510 to pay, to the extent possible under
10 the provisions of section 144.285, the amount of such tax to the
11 person making such sale or rendering such service[;]. Any person
12 who shall willfully and intentionally refuse to pay such tax
13 shall be guilty of a misdemeanor[; provided, however, that].
14 The provisions of this section shall not apply to any person
15 making any purchase or sale of a motor vehicle subject to sales
16 tax as provided by the Missouri sales tax law, unless such person
17 making the sale is a motor vehicle dealer authorized to collect
18 and remit sales tax pursuant to subsection 8 of section 144.070.

19 144.070. 1. At the time the owner of any new or used motor
20 vehicle, trailer, boat, or outboard motor which was acquired in a
21 transaction subject to sales tax under the Missouri sales tax law
22 makes application to the director of revenue for an official
23 certificate of title and the registration of the [automobile]
24 motor vehicle, trailer, boat, or outboard motor as otherwise
25 provided by law, [he] the owner shall present to the director of
26 revenue evidence satisfactory to the director of revenue showing
27 the purchase price exclusive of any charge incident to the
28 extension of credit paid by or charged to the applicant in the

1 acquisition of the motor vehicle, trailer, boat, or outboard
2 motor, or that no sales tax was incurred in its acquisition, and
3 if sales tax was incurred in its acquisition, the applicant shall
4 pay or cause to be paid to the director of revenue the sales tax
5 provided by the Missouri sales tax law in addition to the
6 registration fees now or hereafter required according to law, and
7 the director of revenue shall not issue a certificate of title
8 for any new or used motor vehicle, trailer, boat, or outboard
9 motor subject to sales tax as provided in the Missouri sales tax
10 law until the tax levied for the sale of the same under sections
11 144.010 to 144.510 has been paid as [herein] provided in this
12 section or is registered under the provisions of subsection 5 of
13 this section.

14 2. As used [above] in subsection 1 of this section, the
15 term "purchase price" shall mean the total amount of the contract
16 price agreed upon between the seller and the applicant in the
17 acquisition of the motor vehicle, trailer, boat, or outboard
18 motor, regardless of the medium of payment therefor.

19 3. In the event that the purchase price is unknown or
20 undisclosed, or that the evidence thereof is not satisfactory to
21 the director of revenue, the same shall be fixed by appraisalment
22 by the director.

23 4. The director of the department of revenue shall endorse
24 upon the official certificate of title issued by [him] the
25 director upon such application an entry showing that such sales
26 tax has been paid or that the motor vehicle, trailer, boat, or
27 outboard motor represented by such certificate is exempt from
28 sales tax and state the ground for such exemption.

1 5. Any person, company, or corporation engaged in the
2 business of renting or leasing motor vehicles, trailers, boats,
3 or outboard motors, which are to be used exclusively for rental
4 or lease purposes, and not for resale, may apply to the director
5 of revenue for authority to operate as a leasing company. Any
6 company approved by the director of revenue may pay the tax due
7 on any motor vehicle, trailer, boat, or outboard motor as
8 required in section 144.020 at the time of registration thereof
9 or in lieu thereof may pay a sales tax as provided in sections
10 144.010, 144.020, 144.070 and 144.440. A sales tax shall be
11 charged to and paid by a leasing company which does not exercise
12 the option of paying in accordance with section 144.020, on the
13 amount charged for each rental or lease agreement while the motor
14 vehicle, trailer, boat, or outboard motor is domiciled in this
15 state. Any motor vehicle, trailer, boat, or outboard motor which
16 is leased as the result of a contract executed in this state
17 shall be presumed to be domiciled in this state.

18 6. Any corporation may have one or more of its divisions
19 separately apply to the director of revenue for authorization to
20 operate as a leasing company, provided that the corporation:

21 (1) Has filed a written consent with the director
22 authorizing any of its divisions to apply for such authority;

23 (2) Is authorized to do business in Missouri;

24 (3) Has agreed to treat any sale of a motor vehicle,
25 trailer, boat, or outboard motor from one of its divisions to
26 another of its divisions as a sale at retail within the meaning
27 of subdivision (9) of subsection 1 of section 144.010;

28 (4) Has registered under the fictitious name provisions of

1 sections 417.200 to 417.230, RSMo, each of its divisions doing
2 business in Missouri as a leasing company; and

3 (5) Operates each of its divisions on a basis separate from
4 each of its other divisions.

5 However, when the transfer of a motor vehicle, trailer, boat or
6 outboard motor occurs within a corporation which holds a license
7 to operate as a motor vehicle or boat dealer pursuant to sections
8 301.550 to ~~[301.575]~~ 301.573, RSMo, the provisions in subdivision
9 (3) of this subsection shall not apply.

10 7. If the owner of any motor vehicle, trailer, boat, or
11 outboard motor desires to charge and collect sales tax as
12 provided ~~[hereinabove]~~ in this section, ~~[he]~~ the owner shall make
13 application to the director of revenue for a permit to operate as
14 a motor vehicle, trailer, boat, or outboard motor leasing
15 company. The director of revenue shall promulgate rules and
16 regulations determining the qualifications of such a company, and
17 the method of collection and reporting of sales tax charged and
18 collected. Such regulations shall apply only to owners of motor
19 vehicles, trailers, boats, or outboard motors, electing to
20 qualify as motor vehicle, trailer, boat, or outboard motor
21 leasing companies under the provisions of subsection 5 of this
22 section, and no motor vehicle renting or leasing, trailer renting
23 or leasing, or boat or outboard motor renting or leasing company
24 can come under sections 144.010, 144.020, 144.070 and 144.440
25 unless all motor vehicles, trailers, boats, and outboard motors
26 held for renting and leasing are included.

27 8. Beginning July 1, 2010, any motor vehicle dealer
28 licensed under section 301.560, RSMo, engaged in the business of

1 selling motor vehicles or trailers may apply to the director of
2 revenue for authority to collect and remit the sales tax required
3 under this section on all motor vehicles sold by the motor
4 vehicle dealer. A motor vehicle dealer receiving authority to
5 collect and remit the tax is subject to all provisions under
6 sections 144.010 to 144.525. Any motor vehicle dealer authorized
7 to collect and remit sales taxes on motor vehicles under this
8 subsection shall be entitled to deduct and retain an amount equal
9 to two percent of the motor vehicle sales tax pursuant to section
10 144.140. Any amount of the tax collected under this subsection
11 that is retained by a motor vehicle dealer pursuant to section
12 144.140 shall not constitute state revenue. In no event shall
13 revenues from the general revenue fund or any other state fund be
14 utilized to compensate motor vehicle dealers for their role in
15 collecting and remitting sales taxes on motor vehicles. In the
16 event this subsection or any portion thereof is held to violate
17 article IV, section 30(b) of the Missouri Constitution, no motor
18 vehicle dealer shall be authorized to collect and remit sales
19 taxes on motor vehicles under this section. No motor vehicle
20 dealer shall seek compensation from the state of Missouri or its
21 agencies if a court of competent jurisdiction declares that the
22 retention of two percent of the motor vehicle sales tax is
23 unconstitutional and orders the return of such revenues.

24 226.030. 1. The highways and transportation commission
25 shall consist of six members, who shall be appointed by the
26 governor, by and with the advice and consent of the senate, not
27 more than three thereof to be members of the same political
28 party. Each commissioner shall be a taxpayer and resident of

1 state for at least five years prior to his appointment. Any
2 commissioner may be removed by the governor if fully satisfied of
3 his inefficiency, neglect of duty, or misconduct in office.
4 Commissioners appointed pursuant to this section shall be
5 appointed for terms of six years, except as otherwise provided in
6 this subsection. Upon the expiration of each of the foregoing
7 terms of these commissioners a successor shall be appointed for a
8 term of six years or until his successor is appointed and
9 qualified which term of six years shall thereafter be the length
10 of term of each member of the commission unless removed as above
11 provided. The members of the commission shall receive as
12 compensation for their services twenty-five dollars per day for
13 the time spent in the performance of their official duties, and
14 also their necessary traveling and other expenses incurred while
15 actually engaged in the discharge of their official duties.
16 Members whose terms otherwise expire December 1, 2003, shall
17 serve with terms expiring March 1, 2004, and new members or the
18 members reappointed shall be appointed for terms expiring March
19 1, 2005; a member whose term otherwise expires December 1, 2005,
20 shall serve with a term expiring March 1, 2007; a member whose
21 term otherwise expires December 1, 2007, shall serve with a term
22 expiring March 1, 2009; and one member whose term otherwise
23 expires October 13, 2007, shall serve with a term expiring March
24 1, 2007; and one member whose term otherwise expires October 13,
25 2007, shall serve with a term expiring March 1, 2009. If a
26 vacancy occurs in any term of a commissioner due to death,
27 resignation, or removal, a successor shall be appointed for only
28 the remainder of the unexpired term.

1 2. The two members of the commission, one each from
2 opposing political parties, who have the most seniority in
3 commission service shall serve as commission leadership with one
4 member as chair and the other member as vice chair, respectively,
5 for terms ending March 1, 2005. The commission shall elect one
6 of the members as chair and the other as vice chair. Effective
7 March 1, 2005, the commission shall elect the two members of the
8 commission, one from each opposing political party who has the
9 most seniority in commission service, who shall serve as
10 commission leadership with one member as chair and the other
11 member as vice chair, respectively, for one year. At the end of
12 such year, the [member] members currently serving as chair [shall
13 then serve as] and vice chair shall have the option to rotate
14 positions, and the member currently serving as vice chair [shall]
15 may serve as chair, [each to serve in such position for one year]
16 and vice versa. Thereafter, commission leadership shall continue
17 to rotate accordingly with the two members from opposing
18 political parties who have the most seniority in terms of
19 commission service being elected by the commission to serve as
20 commission leadership. If one of the commission leadership
21 offices becomes vacant due to death, resignation, removal, or
22 refuses to serve before the one-year leadership term expires, the
23 commission shall elect one of its members that is of the same
24 political party as the vacating officer to serve the remainder of
25 the vacating officer's leadership term. Such election shall not
26 prohibit that member from later serving as chair and vice chair
27 when such member's seniority in commission service qualifies him
28 or her for those offices as provided in this subsection.

1 3. No more than one-half of the members of the commission
2 shall be of the same political party. The selection and removal
3 of all employees of the department of transportation shall be
4 without regard to political affiliation.

5 4. The present members of the commission shall continue to
6 serve as members of the commission for the remainder of the terms
7 for which they were appointed, except as provided in subsection 1
8 of this section.

9 5. [The director of the department of transportation shall,
10 by February fifteenth of each year, present an annual state of
11 the state of transportation to a joint session of the general
12 assembly. The six members of the commission shall be present and
13 available at such presentations for questions by members. The
14 transportation inspector general may also be present and report
15 to the general assembly on any matter of concern within his or
16 her statutory authority. The provisions of this subsection shall
17 expire August 28, 2008.

18 6.] Any member reappointed shall only be eligible to serve
19 as chair or vice-chair during the final two years of such
20 member's reappointment.

21 227.295. 1. The department of transportation shall
22 establish and administer a drunk driving risk reduction awareness
23 program. The provisions of this section shall be known as
24 "David's Law". The signs shall be placed upon the state highways
25 in accordance with this section, placement guidelines adopted by
26 the department, and any applicable federal limitations or
27 conditions on highway signage, including location and spacing.

28 2. The department shall adopt, by rules and regulations,

1 program guidelines for the application for and placement of signs
2 authorized by this section, including, but not limited to, the
3 sign application and qualification process, the procedure for the
4 dedication of signs, and procedures for the replacement or
5 restoration of any signs that are damaged or stolen. The
6 department shall also establish by rule, application procedures
7 and methods for proving eligibility for the program.

8 3. Any person may apply to the department of transportation
9 to sponsor a drunk driving victim memorial sign in memory of an
10 immediate family member who died as a result of a motor vehicle
11 accident caused by a person who was shown to have been operating
12 a motor vehicle in violation of section 577.010 or 577.012, RSMo,
13 or was committing an intoxication-related traffic offense at the
14 time of the accident. Upon the request of an immediate family
15 member of the deceased victim involved in a drunk driving
16 accident, the department shall place a sign in accordance with
17 this section. A person who is not a member of the immediate
18 family may also submit a request to have a sign placed under this
19 section if that person also submits the written consent of an
20 immediate family member. The department shall charge the
21 sponsoring party a fee to cover the department's cost in
22 designing, constructing, placing, and maintaining that sign, and
23 the department's costs in administering this section. Signs
24 erected under this section shall remain in place for a period of
25 ten years. After the expiration of the ten-year period, the
26 department shall remove the sign unless the sponsoring party
27 remits to the department of transportation a ten-year renewable
28 fee to cover maintenance costs associated with the sign.

1 4. The signs shall feature the words "Drunk Driving
2 Victim!", the initials of the victim, the month and year in which
3 the victim of the drunk driving accident was killed, and the
4 phrase "Who's Next?". The overall design of the sign, including
5 size, color, and lettering, shall conform to the guidelines and
6 regulations established by the department. The signs shall be
7 placed near the scene of the accident.

8 5. All roadside memorials or markers commemorating the
9 death of a drunk driving victim not meeting the provisions of
10 this section are prohibited. No person, other than a department
11 of transportation employee or the department's designee, may
12 erect a drunk driving victim memorial sign.

13 6. As used in this section, the term "immediate family
14 member" shall mean spouse, child, stepchild, brother,
15 stepbrother, sister, stepsister, mother, stepmother, father, or
16 stepfather.

17 7. The department shall adopt rules and regulations to
18 implement and administer the provisions of this section. Any
19 rule or portion of a rule, as that term is defined in section
20 536.010, RSMo, that is created under the authority delegated in
21 this section shall become effective only if it complies with and
22 is subject to all of the provisions of chapter 536, RSMo, and, if
23 applicable, section 536.028, RSMo. This section and chapter 536,
24 RSMo, are nonseverable and if any of the powers vested with the
25 general assembly pursuant to chapter 536, RSMo, to review, to
26 delay the effective date, or to disapprove and annul a rule are
27 subsequently held unconstitutional, then the grant of rulemaking
28 authority and any rule proposed or adopted after August 28, 2009,

1 shall be invalid and void.

2 227.297. 1. This section establishes an interstate
3 interchange designation program, to be known as the "Heroes Way
4 Interstate Interchange Designation Program", to honor the fallen
5 Missouri heroes who have been killed in action while performing
6 active military duty with the armed forces in Afghanistan or Iraq
7 on or after September 11, 2001. The signs shall be placed upon
8 the interstate interchanges in accordance with this section, and
9 any applicable federal limitations or conditions on highway
10 signage, including location and spacing.

11 2. Any person who is related by marriage, adoption, or
12 consanguinity within the second degree to a member of the United
13 States armed forces who was killed in action while performing
14 active military duty with the armed forces in Afghanistan or Iraq
15 on or after September 11, 2001, and who was a resident of this
16 state at the time he or she was killed in action, may apply for
17 an interstate interchange designation under the provisions of
18 this section.

19 3. Any person described under subsection 2 of this section
20 who desires to have an interstate interchange designated after
21 his or her family member shall petition the department of
22 transportation by submitting the following:

23 (1) An application in a form prescribed by the director,
24 describing the interstate interchange for which the designation
25 is sought and the proposed name of the interstate interchange.
26 The application shall include the name of at least one current
27 member of the general assembly who will sponsor the interstate
28 interchange designation. The application may contain written

1 testimony for support of the interstate interchange designation;

2 (2) Proof that the family member killed in action was a
3 member of the United States armed forces and proof that such
4 family member was in fact killed in action while performing
5 active military duty with the United States armed forces in
6 Afghanistan or Iraq on or after September 11, 2001;

7 (3) By signing a form provided by the Missouri
8 transportation department, the applicant shall certify that the
9 applicant is related by marriage, adoption, or consanguinity
10 within the second degree to the member of the United States armed
11 forces who was killed in action; and

12 (4) A fee to be determined by the commission to cover the
13 costs of constructing and maintaining the proposed interstate
14 interchange signs. The fee shall not exceed the cost of
15 constructing and maintaining each sign.

16 4. All moneys received by the department of transportation
17 for the construction and maintenance of an interstate interchange
18 signs shall be deposited in the state treasury to the credit of
19 the state road fund.

20 5. The documents and fees required under this section shall
21 be submitted to the department of transportation.

22 6. The department of transportation shall submit for
23 approval or disapproval all applications for interstate
24 interchange designations to the joint committee on transportation
25 oversight. The joint committee on transportation oversight may
26 review such applications at any scheduled meeting convened
27 pursuant to section 21.795, RSMo. If satisfied with the
28 application and all its contents, the committee shall approve the

1 application. The committee shall notify the department of
2 transportation upon the approval or denial of an application for
3 an interstate interchange designation.

4 7. The department of transportation shall give notice of
5 any proposed interstate interchange designation under this
6 section in a manner reasonably calculated to advise the public of
7 such proposal. Reasonable notice shall include posting the
8 proposal for the designation on the department's official public
9 website and making available copies of the sign designation
10 application to any representative of the news media or public
11 upon request and posting the application on a bulletin board or
12 other prominent public place which is easily accessible to the
13 public and clearly designated for that purpose at the principal
14 office.

15 8. If the memorial interstate interchange designation
16 request is not approved by the joint committee on transportation
17 oversight, ninety-seven percent of the application fee shall be
18 refunded to the applicant.

19 9. Two signs shall be erected for each interstate
20 interchange designation processed under this section.

21 10. No interstate interchange may be named or designated
22 after more than one member of the United States armed forces
23 killed in action. Such person shall only be eligible for one
24 interstate interchange designation under the provisions of this
25 section.

26 11. Any highway signs erected for any interstate
27 interchange designation under the provisions of this section
28 shall be erected and maintained for a twenty-year period. After

1 such period, the signs shall be subject to removal by the
2 department of transportation and the interstate interchange may
3 be designated to honor persons other than the current designee.
4 An existing interstate interchange designation processed under
5 the provisions of this section may be retained for additional
6 twenty-year increments if, at least one year before the
7 designation's expiration, an application to the department of
8 transportation is made to retain the designation along with the
9 required documents and all applicable fees required under this
10 section.

11 227.310. The portion of Missouri highway 100 located in
12 Franklin County, from its intersection with Missouri highway 47,
13 to the highway's connection with Interstate 44, shall be
14 designated as the "Veterans Memorial Highway". The department of
15 transportation shall erect and maintain appropriate signs
16 designating such highway, with the costs for such designation to
17 be paid for by the city of Washington.

18 227.313. The portion of Missouri Highway 266 located in
19 Greene County from North Missouri Road AB to 1 mile east, shall
20 be designated as the "Dr. Martin Luther King Jr. Memorial Mile".
21 The department of transportation shall erect and maintain
22 appropriate signs designating such highway, with the costs for
23 such designation to be paid for by private donations.

24 227.320. The portion of the state highway system which was
25 designated as Highway 47 as of January 1, 2009, within the limits
26 of the city of Washington shall be designated and known as
27 "Franklin Street" and shall not be designated as a numbered state
28 highway.

1 227.368. The bridge crossing over Interstate 44 on Business
2 Loop 44 at exit 127 in Laclede County shall be designated the
3 "Specialist James M. Finley Memorial Bridge". The department of
4 transportation shall erect and maintain appropriate signs
5 designating such highway. The costs of such designation shall be
6 paid for by private donations.

7 227.402. The Highway 17 bridge crossing over the Gasconade
8 River in Pulaski County shall be designated the "WWII Okinawa
9 Veterans Memorial Bridge". The department of transportation
10 shall erect and maintain appropriate signs designating such
11 highway, with the costs to be paid for by private donations.

12 227.406. The portion of U.S. Highway 69, from the southern
13 city limits of Cameron to its intersection with Interstate 35,
14 shall be designated the "CW2 Matthew G. Kelley Memorial Highway".
15 The department of transportation shall erect and maintain
16 appropriate signs designating such highway, with the costs to be
17 paid for by private donations.

18 227.407. Interstate 435 from mile marker 63.4 to mile
19 marker 54.2 shall be designated the "Lamar Hunt Memorial
20 Highway". The department of transportation shall erect and
21 maintain appropriate signs designating such highway, with the
22 costs to be paid for by private donations.

23 227.410. The portion of U.S. highway 160 in Greene County
24 from the intersection of Farm Road 142 to the intersection of
25 West Sunshine Street shall be designated the "Rabbi Abraham
26 Joshua Heschel Memorial Highway". The department of
27 transportation shall erect and maintain appropriate signs
28 designating such highway, with the costs for such designation to

1 be paid for by private donation.

2 260.392. 1. As used in sections 260.392 to 260.399, the
3 following terms mean:

4 (1) "Cask", all the components and systems associated with
5 the container in which spent fuel, high-level radioactive waste,
6 highway route controlled quantity, or transuranic radioactive
7 waste are stored;

8 (2) "Shipper", the generator, owner, or company contracting
9 for transportation by truck or rail of the spent fuel, high-level
10 radioactive waste, highway route controlled quantity shipments,
11 transuranic radioactive waste, or low-level radioactive waste;

12 (3) "High-level radioactive waste", the highly radioactive
13 material resulting from the reprocessing of spent nuclear fuel
14 including liquid waste produced directly in reprocessing and any
15 solid material derived from such liquid waste that contains
16 fission products in sufficient concentrations, and other highly
17 radioactive material that the United States Nuclear Regulatory
18 Commission has determined to be high-level radioactive waste
19 requiring permanent isolation;

20 (4) "Highway route controlled quantity", as defined in 49
21 CFR Part 173.403, as amended, a quantity of radioactive material
22 within a single package. Highway route controlled quantity
23 shipments of thirty miles or less within the state are exempt
24 from the provisions of this section;

25 (5) "Low-level radioactive waste", any radioactive waste
26 not classified as high-level radioactive waste, transuranic
27 radioactive waste, or spent nuclear fuel by the United States
28 Nuclear Regulatory Commission, consistent with existing law.

Shipment of all sealed sources meeting the definition of low-level radioactive waste, shipments of low-level radioactive waste that are within a radius of no more than fifty miles from the point of origin, and all naturally occurring radioactive material given written approval for landfill disposal by the Missouri department of natural resources under 10 CSR 80-3.010 are exempt from the provisions of this section. Any low-level radioactive waste that has a radioactive half-life equal to or less than one hundred twenty days is exempt from the provisions of this section;

(6) "Spent nuclear fuel", fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing;

(7) "State-funded institutions of higher education", any campus of any university within the state of Missouri that receives state funding and has a nuclear research reactor;

(8) "Transuranic radioactive waste", defined in 40 CFR Part 191.02, as amended, as waste containing more than one hundred nanocuries of alpha-emitting transuranic isotopes with half-lives greater than twenty years, per gram of waste. For the purposes of this section, transuranic waste shall not include:

(a) High-level radioactive wastes;

(b) Any waste determined by the Environmental Protection Agency with the concurrence of the Environmental Protection Agency administrator, that does not need the degree of isolation required by this section; or

(c) Any waste that the United States Nuclear Regulatory Commission has approved for disposal on a case-by-case basis in

1 accordance with 10 CFR Part 61, as amended.

2 2. Any shipper that ships high-level radioactive waste,
3 transuranic radioactive waste, highway route controlled quantity
4 shipments, spent nuclear fuel, or low-level radioactive waste
5 through or within the state shall be subject to the fees
6 established in this subsection, provided that no state-funded
7 institution of higher education that ships nuclear waste shall
8 pay any such fee. These higher education institutions shall
9 reimburse the Missouri state highway patrol directly for all
10 costs related to shipment escorts. The fees for all other
11 shipments shall be:

12 (1) One thousand eight hundred dollars for each cask
13 transported through or within the state by truck of high-level
14 radioactive waste, transuranic radioactive waste, spent nuclear
15 fuel or highway route controlled quantity shipments. All casks
16 of high-level radioactive waste, transuranic radioactive waste,
17 spent nuclear fuel, or highway route controlled quantity
18 shipments transported by truck are subject to a surcharge of
19 twenty-five dollars per mile for every mile over two hundred
20 miles traveled within the state;

21 (2) One thousand three hundred dollars for the first cask
22 and one hundred twenty-five dollars for each additional cask for
23 each rail shipment through or within the state of high-level
24 radioactive waste, transuranic radioactive waste, or spent
25 nuclear fuel;

26 (3) One hundred twenty-five dollars for each truck or train
27 transporting low-level radioactive waste through or within the
28 state. The department of natural resources may accept an annual

shipment fee as negotiated with a shipper or accept payment per shipment.

3. All revenue generated from the fees established in subsection 2 of this section shall be deposited into the environmental radiation monitoring fund established in section 260.750 and shall be used by the department of natural resources to achieve the following objectives and for purposes related to the shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste, including, but not limited to:

(1) Inspections, escorts, and security for waste shipment and planning;

(2) Coordination of emergency response capability;

(3) Education and training of state, county, and local emergency responders;

(4) Purchase and maintenance of necessary equipment and supplies for state, county, and local emergency responders through grants or other funding mechanisms;

(5) Emergency responses to any transportation incident involving the high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste;

(6) Oversight of any environmental remediation necessary resulting from an incident involving a shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste. Reimbursement for oversight of any such

incident shall not reduce or eliminate the liability of any party responsible for the incident; such party may be liable for full reimbursement to the state or payment of any other costs associated with the cleanup of contamination related to a transportation incident;

(7) Administrative costs attributable to the state agencies which are incurred through their involvement as it relates to the shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste through or within the state.

4. Nothing in this section shall preclude any other state agency from receiving reimbursement from the department of natural resources and the environmental radiation monitoring fund for services rendered that achieve the objectives and comply with the provisions of this section.

5. Any unencumbered balance in the environmental radiation monitoring fund that exceeds three hundred thousand dollars in any given fiscal year shall be returned to shippers on a pro rata basis, based on the shipper's contribution into the environmental radiation monitoring fund for that fiscal year.

6. The department of natural resources, in coordination with the department of health and senior services and the department of public safety, may promulgate rules necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,

1 section 536.028, RSMo. This section and chapter 536, RSMo, are
2 nonseverable and if any of the powers vested with the general
3 assembly pursuant to chapter 536, RSMo, to review, to delay the
4 effective date, or to disapprove and annul a rule are
5 subsequently held unconstitutional, then the grant of rulemaking
6 authority and any rule proposed or adopted after August 28, 2009,
7 shall be invalid and void.

8 7. All funds deposited in the environmental radiation
9 monitoring fund through fees established in subsection 2 of this
10 section shall be utilized, subject to appropriation by the
11 general assembly, for the administration and enforcement of this
12 section by the department of natural resources. All interest
13 earned by the monies in the fund shall accrue to the fund.

14 8. All fees shall be paid to the department of natural
15 resources prior to shipment.

16 9. Notice of any shipment of high-level radioactive waste,
17 transuranic radioactive waste, highway route controlled quantity
18 shipments, or spent nuclear fuel through or within the state
19 shall be provided by the shipper to the governor's designee for
20 advanced notification, as described in 10 CFR Parts 71 and 73, as
21 amended, prior to such shipment entering the state. Notice of
22 any shipment of low-level radioactive waste through or within the
23 state shall be provided by the shipper to the Missouri department
24 of natural resources before such shipment enters the state.

25 10. Any shipper who fails to pay a fee assessed under this
26 section, or fails to provide notice of a shipment, shall be
27 liable in a civil action for an amount not to exceed ten times
28 the amount assessed and not paid. The action shall be brought by

1 the attorney general at the request of the department of natural
2 resources. If the action involves a facility domiciled in the
3 state, the action shall be brought in the circuit court of the
4 county in which the facility is located. If the action does not
5 involve a facility domiciled in the state, the action shall be
6 brought in the circuit court of Cole county.

7 11. Beginning on December 31, 2009, and every two years
8 thereafter, the department of natural resources shall prepare and
9 submit a report on activities of the environmental radiation
10 monitoring fund to the general assembly. This report shall
11 include information on fee income received and expenditures made
12 by the state to enforce and administer the provisions of this
13 section.

14 12. The provisions of this section shall not apply to high-
15 level radioactive waste, transuranic radioactive waste, highway
16 route controlled quantity shipments, spent nuclear fuel, or low-
17 level radioactive waste shipped by or for the federal government
18 for military or national defense purposes.

19 13. Under section 23.253, RSMo, of the Missouri sunset act:

20 (1) The provisions of the new program authorized under this
21 section shall automatically sunset six years after the effective
22 date of this section unless reauthorized by an act of the general
23 assembly; and

24 (2) If such program is reauthorized, the program authorized
25 under this section shall automatically sunset twelve years after
26 the effective date of the reauthorization of this section; and

27 (3) This section shall terminate on September first of the
28 calendar year immediately following the calendar year in which

1 the program authorized under this section is sunset.

2 260.750. 1. The department of natural resources shall
3 develop an environmental radiation monitoring program for the
4 purpose of monitoring radioactivity in air, water, soil, plant
5 and animal life as necessary to insure the protection of the
6 public health and safety of the environment from radiation
7 hazards.

8 2. There is hereby created within the state treasury an
9 "Environmental Radiation Monitoring Fund". In addition to
10 general revenue, the department of natural resources is
11 authorized to accept and shall deposit in said fund all gifts,
12 bequests, donations, or other moneys, equipment, supplies, or
13 services from any state, interstate or federal agency, or from
14 any institution, person, firm, or corporation, public or private
15 as well as fees collected under subsection 2 of section 260.392.
16 This fund shall be used for the environmental radiation
17 monitoring program established in this section and to administer
18 and enforce the provisions of section 260.392.

19 301.010. As used in this chapter and sections 304.010 to
20 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to
21 307.175, RSMo, the following terms mean:

22 (1) "All-terrain vehicle", any motorized vehicle
23 manufactured and used exclusively for off-highway use which is
24 fifty inches or less in width, with an unladen dry weight of one
25 thousand five hundred pounds or less, traveling on three, four or
26 more [low pressure] non-highway tires, with a seat designed to be
27 straddled by the operator, or with a seat designed to carry more
28 than one person, and handlebars for steering control;

1 (2) "Automobile transporter", any vehicle combination
2 designed and used specifically for the transport of assembled
3 motor vehicles;

4 (3) "Axle load", the total load transmitted to the road by
5 all wheels whose centers are included between two parallel
6 transverse vertical planes forty inches apart, extending across
7 the full width of the vehicle;

8 (4) "Boat transporter", any vehicle combination designed
9 and used specifically to transport assembled boats and boat
10 hulls;

11 (5) "Body shop", a business that repairs physical damage on
12 motor vehicles that are not owned by the shop or its officers or
13 employees by mending, straightening, replacing body parts, or
14 painting;

15 (6) "Bus", a motor vehicle primarily for the transportation
16 of a driver and eight or more passengers but not including
17 shuttle buses;

18 (7) "Commercial motor vehicle", a motor vehicle designed or
19 regularly used for carrying freight and merchandise, or more than
20 eight passengers but not including vanpools or shuttle buses;

21 (8) "Cotton trailer", a trailer designed and used
22 exclusively for transporting cotton at speeds less than forty
23 miles per hour from field to field or from field to market and
24 return;

25 (9) "Dealer", any person, firm, corporation, association,
26 agent or subagent engaged in the sale or exchange of new, used or
27 reconstructed motor vehicles or trailers;

28 (10) "Director" or "director of revenue", the director of

1 the department of revenue;

2 (11) "Driveaway operation":

3 (a) The movement of a motor vehicle or trailer by any
4 person or motor carrier other than a dealer over any public
5 highway, under its own power singly, or in a fixed combination of
6 two or more vehicles, for the purpose of delivery for sale or for
7 delivery either before or after sale;

8 (b) The movement of any vehicle or vehicles, not owned by
9 the transporter, constituting the commodity being transported, by
10 a person engaged in the business of furnishing drivers and
11 operators for the purpose of transporting vehicles in transit
12 from one place to another by the driveaway or towaway methods; or

13 (c) The movement of a motor vehicle by any person who is
14 lawfully engaged in the business of transporting or delivering
15 vehicles that are not the person's own and vehicles of a type
16 otherwise required to be registered, by the driveaway or towaway
17 methods, from a point of manufacture, assembly or distribution or
18 from the owner of the vehicles to a dealer or sales agent of a
19 manufacturer or to any consignee designated by the shipper or
20 consignor;

21 (12) "Dromedary", a box, deck, or plate mounted behind the
22 cab and forward of the fifth wheel on the frame of the power unit
23 of a truck tractor-semitrailer combination. A truck tractor
24 equipped with a dromedary may carry part of a load when operating
25 independently or in a combination with a semitrailer;

26 (13) "Farm tractor", a tractor used exclusively for
27 agricultural purposes;

28 (14) "Fleet", any group of ten or more motor vehicles owned

1 by the same owner;

2 (15) "Fleet vehicle", a motor vehicle which is included as
3 part of a fleet;

4 (16) "Fullmount", a vehicle mounted completely on the frame
5 of either the first or last vehicle in a saddlemount combination;

6 (17) "Gross weight", the weight of vehicle and/or vehicle
7 combination without load, plus the weight of any load thereon;

8 (18) "Hail-damaged vehicle", any vehicle, the body of which
9 has become dented as the result of the impact of hail;

10 (19) "Highway", any public thoroughfare for vehicles,
11 including state roads, county roads and public streets, avenues,
12 boulevards, parkways or alleys in any municipality;

13 (20) "Improved highway", a highway which has been paved
14 with gravel, macadam, concrete, brick or asphalt, or surfaced in
15 such a manner that it shall have a hard, smooth surface;

16 (21) "Intersecting highway", any highway which joins
17 another, whether or not it crosses the same;

18 (22) "Junk vehicle", a vehicle which is incapable of
19 operation or use upon the highways and has no resale value except
20 as a source of parts or scrap, and shall not be titled or
21 registered;

22 (23) "Kit vehicle", a motor vehicle assembled by a person
23 other than a generally recognized manufacturer of motor vehicles
24 by the use of a glider kit or replica purchased from an
25 authorized manufacturer and accompanied by a manufacturer's
26 statement of origin;

27 (24) "Land improvement contractors' commercial motor
28 vehicle", any not-for-hire commercial motor vehicle the operation

1 of which is confined to:

2 (a) An area that extends not more than a radius of one
3 hundred miles from its home base of operations when transporting
4 its owner's machinery, equipment, or auxiliary supplies to or
5 from projects involving soil and water conservation, or to and
6 from equipment dealers' maintenance facilities for maintenance
7 purposes; or

8 (b) An area that extends not more than a radius of fifty
9 miles from its home base of operations when transporting its
10 owner's machinery, equipment, or auxiliary supplies to or from
11 projects not involving soil and water conservation.

12
13 Nothing in this subdivision shall be construed to prevent any
14 motor vehicle from being registered as a commercial motor vehicle
15 or local commercial motor vehicle;

16 (25) "Local commercial motor vehicle", a commercial motor
17 vehicle whose operations are confined solely to a municipality
18 and that area extending not more than fifty miles therefrom, or a
19 commercial motor vehicle whose property-carrying operations are
20 confined solely to the transportation of property owned by any
21 person who is the owner or operator of such vehicle to or from a
22 farm owned by such person or under the person's control by virtue
23 of a landlord and tenant lease; provided that any such property
24 transported to any such farm is for use in the operation of such
25 farm;

26 (26) "Local log truck", a commercial motor vehicle which is
27 registered pursuant to this chapter to operate as a motor vehicle
28 on the public highways of this state, used exclusively in this

1 state, used to transport harvested forest products, operated
2 solely at a forested site and in an area extending not more than
3 a one hundred-mile radius from such site, carries a load with
4 dimensions not in excess of twenty-five cubic yards per two axles
5 with dual wheels, and when operated on the national system of
6 interstate and defense highways described in Title 23, Section
7 103(e) of the United States Code, such vehicle shall not exceed
8 the weight limits of section 304.180, RSMo, does not have more
9 than four axles, and does not pull a trailer which has more than
10 two axles. Harvesting equipment which is used specifically for
11 cutting, felling, trimming, delimbing, debarking, chipping,
12 skidding, loading, unloading, and stacking may be transported on
13 a local log truck. A local log truck may not exceed the limits
14 required by law, however, if the truck does exceed such limits as
15 determined by the inspecting officer, then notwithstanding any
16 other provisions of law to the contrary, such truck shall be
17 subject to the weight limits required by such sections as
18 licensed for eighty thousand pounds;

19 (27) "Local log truck tractor", a commercial motor vehicle
20 which is registered under this chapter to operate as a motor
21 vehicle on the public highways of this state, used exclusively in
22 this state, used to transport harvested forest products, operated
23 solely at a forested site and in an area extending not more than
24 a one hundred-mile radius from such site, operates with a weight
25 not exceeding twenty-two thousand four hundred pounds on one axle
26 or with a weight not exceeding forty-four thousand eight hundred
27 pounds on any tandem axle, and when operated on the national
28 system of interstate and defense highways described in Title 23,

1 Section 103(e) of the United States Code, such vehicle does not
2 exceed the weight limits contained in section 304.180, RSMo, and
3 does not have more than three axles and does not pull a trailer
4 which has more than two axles. Violations of axle weight
5 limitations shall be subject to the load limit penalty as
6 described for in sections 304.180 to 304.220, RSMo;

7 (28) "Local transit bus", a bus whose operations are
8 confined wholly within a municipal corporation, or wholly within
9 a municipal corporation and a commercial zone, as defined in
10 section 390.020, RSMo, adjacent thereto, forming a part of a
11 public transportation system within such municipal corporation
12 and such municipal corporation and adjacent commercial zone;

13 (29) "Log truck", a vehicle which is not a local log truck
14 or local log truck tractor and is used exclusively to transport
15 harvested forest products to and from forested sites which is
16 registered pursuant to this chapter to operate as a motor vehicle
17 on the public highways of this state for the transportation of
18 harvested forest products;

19 (30) "Major component parts", the rear clip, cowl, frame,
20 body, cab, front-end assembly, and front clip, as those terms are
21 defined by the director of revenue pursuant to rules and
22 regulations or by illustrations;

23 (31) "Manufacturer", any person, firm, corporation or
24 association engaged in the business of manufacturing or
25 assembling motor vehicles, trailers or vessels for sale;

26 (32) "Mobile scrap processor", a business located in
27 Missouri or any other state that comes onto a salvage site and
28 crushes motor vehicles and parts for transportation to a shredder

1 or scrap metal operator for recycling;

2 (33) "Motor change vehicle", a vehicle manufactured prior
3 to August, 1957, which receives a new, rebuilt or used engine,
4 and which used the number stamped on the original engine as the
5 vehicle identification number;

6 (34) "Motor vehicle", any self-propelled vehicle not
7 operated exclusively upon tracks, except farm tractors;

8 (35) "Motor vehicle primarily for business use", any
9 vehicle other than a recreational motor vehicle, motorcycle,
10 motortricycle, or any commercial motor vehicle licensed for over
11 twelve thousand pounds:

12 (a) Offered for hire or lease; or

13 (b) The owner of which also owns ten or more such motor
14 vehicles;

15 (36) "Motorcycle", a motor vehicle operated on two wheels;

16 (37) "Motorized bicycle", any two-wheeled or three-wheeled
17 device having an automatic transmission and a motor with a
18 cylinder capacity of not more than fifty cubic centimeters, which
19 produces less than three gross brake horsepower, and is capable
20 of propelling the device at a maximum speed of not more than
21 thirty miles per hour on level ground;

22 (38) "Motortricycle", a motor vehicle operated on three
23 wheels, including a motorcycle while operated with any
24 conveyance, temporary or otherwise, requiring the use of a third
25 wheel. A motortricycle shall not be included in the definition
26 of all-terrain vehicle;

27 (39) "Municipality", any city, town or village, whether
28 incorporated or not;

1 (40) "Nonresident", a resident of a state or country other
2 than the state of Missouri;

3 (41) "Non-USA-std motor vehicle", a motor vehicle not
4 originally manufactured in compliance with United States
5 emissions or safety standards;

6 (42) "Operator", any person who operates or drives a motor
7 vehicle;

8 (43) "Owner", any person, firm, corporation or association,
9 who holds the legal title to a vehicle or in the event a vehicle
10 is the subject of an agreement for the conditional sale or lease
11 thereof with the right of purchase upon performance of the
12 conditions stated in the agreement and with an immediate right of
13 possession vested in the conditional vendee or lessee, or in the
14 event a mortgagor of a vehicle is entitled to possession, then
15 such conditional vendee or lessee or mortgagor shall be deemed
16 the owner for the purpose of this law;

17 (44) "Public garage", a place of business where motor
18 vehicles are housed, stored, repaired, reconstructed or repainted
19 for persons other than the owners or operators of such place of
20 business;

21 (45) "Rebuilder", a business that repairs or rebuilds motor
22 vehicles owned by the rebuilder, but does not include
23 certificated common or contract carriers of persons or property;

24 (46) "Reconstructed motor vehicle", a vehicle that is
25 altered from its original construction by the addition or
26 substitution of two or more new or used major component parts,
27 excluding motor vehicles made from all new parts, and new
28 multistage manufactured vehicles;

1 (47) "Recreational motor vehicle", any motor vehicle
2 designed, constructed or substantially modified so that it may be
3 used and is used for the purposes of temporary housing quarters,
4 including therein sleeping and eating facilities which are either
5 permanently attached to the motor vehicle or attached to a unit
6 which is securely attached to the motor vehicle. Nothing herein
7 shall prevent any motor vehicle from being registered as a
8 commercial motor vehicle if the motor vehicle could otherwise be
9 so registered;

10 (48) "Recreational off-highway vehicle", any motorized
11 vehicle manufactured and used exclusively for off-highway use
12 which is sixty inches or less in width, with an unladen dry
13 weight of one thousand five hundred pounds or less, traveling on
14 four or more nonhighway tires, with a nonstraddle seat, and
15 steering wheel, which may have access to ATV trails;

16 (49) "Rollback or car carrier", any vehicle specifically
17 designed to transport wrecked, disabled or otherwise inoperable
18 vehicles, when the transportation is directly connected to a
19 wrecker or towing service;

20 [(49)] (50) "Saddlemount combination", a combination of
21 vehicles in which a truck or truck tractor tows one or more
22 trucks or truck tractors, each connected by a saddle to the frame
23 or fifth wheel of the vehicle in front of it. The "saddle" is a
24 mechanism that connects the front axle of the towed vehicle to
25 the frame or fifth wheel of the vehicle in front and functions
26 like a fifth wheel kingpin connection. When two vehicles are
27 towed in this manner the combination is called a "double
28 saddlemount combination". When three vehicles are towed in this

manner, the combination is called a "triple saddlemount combination";

[(50)] (51) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

[(51)] (52) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

(a) Was damaged during a year that is no more than six years after the manufacturer's model year designation for such vehicle to the extent that the total cost of repairs to rebuild or reconstruct the vehicle to its condition immediately before it was damaged for legal operation on the roads or highways exceeds eighty percent of the fair market value of the vehicle immediately preceding the time it was damaged;

(b) By reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it;

(c) Has been declared salvage by an insurance company as a result of settlement of a claim;

(d) Ownership of which is evidenced by a salvage title; or

(e) Is abandoned property which is titled pursuant to section 304.155, RSMo, or section 304.157, RSMo, and designated with the words "salvage/abandoned property".

The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing, or

1 reinstalling inflatable safety restraints, tires, sound systems,
2 or damage as a result of hail, or any sales tax on parts or
3 materials to rebuild or reconstruct the vehicle. For purposes of
4 this definition, "fair market value" means the retail value of a
5 motor vehicle as:

6 a. Set forth in a current edition of any nationally
7 recognized compilation of retail values, including automated
8 databases, or from publications commonly used by the automotive
9 and insurance industries to establish the values of motor
10 vehicles;

11 b. Determined pursuant to a market survey of comparable
12 vehicles with regard to condition and equipment; and

13 c. Determined by an insurance company using any other
14 procedure recognized by the insurance industry, including market
15 surveys, that is applied by the company in a uniform manner;

16 [(52)] (53) "School bus", any motor vehicle used solely to
17 transport students to or from school or to transport students to
18 or from any place for educational purposes;

19 [(53)] (54) "Shuttle bus", a motor vehicle used or
20 maintained by any person, firm, or corporation as an incidental
21 service to transport patrons or customers of the regular business
22 of such person, firm, or corporation to and from the place of
23 business of the person, firm, or corporation providing the
24 service at no fee or charge. Shuttle buses shall not be
25 registered as buses or as commercial motor vehicles;

26 [(54)] (55) "Special mobile equipment", every
27 self-propelled vehicle not designed or used primarily for the
28 transportation of persons or property and incidentally operated

1 or moved over the highways, including farm equipment, implements
2 of husbandry, road construction or maintenance machinery,
3 ditch-digging apparatus, stone crushers, air compressors, power
4 shovels, cranes, graders, rollers, well-drillers and wood-sawing
5 equipment used for hire, asphalt spreaders, bituminous mixers,
6 bucket loaders, ditchers, leveling graders, finished machines,
7 motor graders, road rollers, scarifiers, earth-moving carryalls,
8 scrapers, drag lines, concrete pump trucks, rock-drilling and
9 earth-moving equipment. This enumeration shall be deemed partial
10 and shall not operate to exclude other such vehicles which are
11 within the general terms of this section;

12 [(55)] (56) "Specially constructed motor vehicle", a motor
13 vehicle which shall not have been originally constructed under a
14 distinctive name, make, model or type by a manufacturer of motor
15 vehicles. The term specially constructed motor vehicle includes
16 kit vehicles;

17 [(56)] (57) "Stinger-steered combination", a truck
18 tractor-semitrailer wherein the fifth wheel is located on a drop
19 frame located behind and below the rearmost axle of the power
20 unit;

21 [(57)] (58) "Tandem axle", a group of two or more axles,
22 arranged one behind another, the distance between the extremes of
23 which is more than forty inches and not more than ninety-six
24 inches apart;

25 [(58)] (59) "Tractor", "truck tractor" or "truck-tractor",
26 a self-propelled motor vehicle designed for drawing other
27 vehicles, but not for the carriage of any load when operating
28 independently. When attached to a semitrailer, it supports a

1 part of the weight thereof;

2 [(59)] (60) "Trailer", any vehicle without motive power
3 designed for carrying property or passengers on its own structure
4 and for being drawn by a self-propelled vehicle, except those
5 running exclusively on tracks, including a semitrailer or vehicle
6 of the trailer type so designed and used in conjunction with a
7 self-propelled vehicle that a considerable part of its own weight
8 rests upon and is carried by the towing vehicle. The term
9 "trailer" shall not include cotton trailers as defined in
10 subdivision (8) of this section and shall not include
11 manufactured homes as defined in section 700.010, RSMo;

12 [(60)] (61) "Truck", a motor vehicle designed, used, or
13 maintained for the transportation of property;

14 [(61)] (62) "Truck-tractor semitrailer-semitrailer", a
15 combination vehicle in which the two trailing units are connected
16 with a B-train assembly which is a rigid frame extension attached
17 to the rear frame of a first semitrailer which allows for a
18 fifth-wheel connection point for the second semitrailer and has
19 one less articulation point than the conventional A-dolly
20 connected truck-tractor semitrailer-trailer combination;

21 [(62)] (63) "Truck-trailer boat transporter combination", a
22 boat transporter combination consisting of a straight truck
23 towing a trailer using typically a ball and socket connection
24 with the trailer axle located substantially at the trailer center
25 of gravity rather than the rear of the trailer but so as to
26 maintain a downward force on the trailer tongue;

27 [(63)] (64) "Used parts dealer", a business that buys and
28 sells used motor vehicle parts or accessories, but not including

1 a business that sells only new, remanufactured or rebuilt parts.
2 "Business" does not include isolated sales at a swap meet of less
3 than three days;

4 [(64)] (65) "Utility vehicle", any motorized vehicle
5 manufactured and used exclusively for off-highway use which is
6 sixty-three inches or less in width, with an unladen dry weight
7 of one thousand eight hundred fifty pounds or less, traveling on
8 four or six wheels, to be used primarily for landscaping, lawn
9 care, or maintenance purposes;

10 [(65)] (66) "Vanpool", any van or other motor vehicle used
11 or maintained by any person, group, firm, corporation,
12 association, city, county or state agency, or any member thereof,
13 for the transportation of not less than eight nor more than
14 forty-eight employees, per motor vehicle, to and from their place
15 of employment; however, a vanpool shall not be included in the
16 definition of the term bus or commercial motor vehicle as defined
17 by subdivisions (6) and (7) of this section, nor shall a vanpool
18 driver be deemed a chauffeur as that term is defined by section
19 302.010, RSMo; nor shall use of a vanpool vehicle for
20 ride-sharing arrangements, recreational, personal, or maintenance
21 uses constitute an unlicensed use of the motor vehicle, unless
22 used for monetary profit other than for use in a ride-sharing
23 arrangement;

24 [(66)] (67) "Vehicle", any mechanical device on wheels,
25 designed primarily for use, or used, on highways, except
26 motorized bicycles, vehicles propelled or drawn by horses or
27 human power, or vehicles used exclusively on fixed rails or
28 tracks, or cotton trailers or motorized wheelchairs operated by

1 handicapped persons;

2 [(67)] (68) "Wrecker" or "tow truck", any emergency
3 commercial vehicle equipped, designed and used to assist or
4 render aid and transport or tow disabled or wrecked vehicles from
5 a highway, road, street or highway rights-of-way to a point of
6 storage or repair, including towing a replacement vehicle to
7 replace a disabled or wrecked vehicle;

8 [(68)] (69) "Wrecker or towing service", the act of
9 transporting, towing or recovering with a wrecker, tow truck,
10 rollback or car carrier any vehicle not owned by the operator of
11 the wrecker, tow truck, rollback or car carrier for which the
12 operator directly or indirectly receives compensation or other
13 personal gain.

14 301.032. 1. Notwithstanding the provisions of sections
15 301.030 and 301.035 to the contrary, the director of revenue
16 shall establish a system of registration [on a calendar year
17 basis] of all fleet vehicles owned or purchased by a fleet owner
18 registered pursuant to this section. The director of revenue
19 shall prescribe the forms for such fleet registration and the
20 forms and procedures for the registration updates prescribed in
21 this section. Any owner of ten or more motor vehicles which must
22 be registered in accordance with this chapter may register as a
23 fleet owner. All registered fleet owners may, at their option,
24 register all motor vehicles included in the fleet on a calendar
25 year or biennial basis pursuant to this section in lieu of the
26 registration periods provided in sections 301.030 [and], 301.035,
27 and 301.147. The director shall issue an identification number
28 to each registered owner of fleet vehicles.

1 2. All fleet vehicles included in the fleet of a registered
2 fleet owner shall be registered during April each year or on a
3 prorated basis as provided in subsection 3 of this section. Fees
4 of all vehicles in the fleet to be registered on a calendar year
5 basis or on a biennial basis shall be payable not later than the
6 last day of April of each year, with two years' fees due for
7 biennially-registered vehicles. Notwithstanding the provisions
8 of section 307.355, RSMo, an application for registration of a
9 fleet vehicle must be accompanied by a certificate of inspection
10 and approval issued no more than one hundred twenty days prior to
11 the date of application. The fees for vehicles added to the
12 fleet which must be licensed at the time of registration shall be
13 payable at the time of registration, except that when such
14 vehicle is licensed between July first and September thirtieth
15 the fee shall be three-fourths the annual fee, when licensed
16 between October first and December thirty-first the fee shall be
17 one-half the annual fee and when licensed on or after January
18 first the fee shall be one-fourth the annual fee. When biennial
19 registration is sought for vehicles added to a fleet, an
20 additional year's annual fee will be added to the partial year's
21 prorated fee.

22 3. At any time during the calendar year in which an owner
23 of a fleet purchases or otherwise acquires a vehicle which is to
24 be added to the fleet or transfers plates to a fleet vehicle, the
25 owner shall present to the director of revenue the identification
26 number as a fleet number and may register the vehicle for the
27 partial year as provided in subsection 2 of this section. The
28 fleet owner shall also be charged a transfer fee of two dollars

1 for each vehicle so transferred pursuant to this subsection.

2 4. Except as specifically provided in this subsection, all
3 fleet vehicles registered pursuant to this section shall be
4 issued a special license plate which shall have the words "Fleet
5 Vehicle" in place of the words "Show-Me State" in the manner
6 prescribed by the advisory committee established in section
7 301.129. [Such] Alternatively, for a one time additional five
8 dollar per vehicle fee beyond the regular registration fee,
9 owners of fleet vehicles may apply for fleet license plates
10 bearing a company name or logo. All fleet license plates shall
11 be made with fully reflective material with a common color scheme
12 and design, shall be clearly visible at night, and shall be
13 aesthetically attractive, as prescribed by section 301.130.
14 Fleet vehicles shall be issued multiyear license plates as
15 provided in this section which shall not require issuance of a
16 renewal tab.

17 Upon payment of appropriate registration fees, the director of
18 revenue shall issue a registration certificate or other suitable
19 evidence of payment of the annual or biennial fee, and such
20 evidence of payment shall be carried at all times in the vehicle
21 for which it is issued. The director of revenue shall promulgate
22 rules and regulations establishing the procedure for application
23 and issuance of fleet vehicle license plates.

24 5. Notwithstanding the provisions of sections 307.350 to
25 307.390, RSMo, to the contrary, a fleet vehicle registered in
26 Missouri is exempt from the requirements of sections 307.350 to
27 307.390, RSMo, if at the time of the annual fleet registration,
28 such fleet vehicle is situated outside the state of Missouri.

1 301.131. 1. Any motor vehicle over twenty-five years old
2 which is owned solely as a collector's item and which is used and
3 intended to be used for exhibition and educational purposes shall
4 be permanently registered upon payment of a registration fee of
5 twenty-five dollars. Upon the transfer of the title to any such
6 vehicle the registration shall be canceled and the license plates
7 issued therefor shall be returned to the director of revenue.

8 2. The owner of any such vehicle shall file an application
9 in a form prescribed by the director, if such vehicle meets the
10 requirements of this section, and a certificate of registration
11 shall be issued therefor. Such certificate need not specify the
12 horsepower of the motor vehicle.

13 3. The director shall issue to the owner of any motor
14 vehicle registered pursuant to this section the same number of
15 license plates which would be issued with a regular annual
16 registration, containing the number assigned to the registration
17 certificate issued by the director of revenue. Such license
18 plates shall be made with fully reflective material with a common
19 color scheme and design, shall be clearly visible at night, and
20 shall be aesthetically attractive, as prescribed by section
21 301.130.

22 4. Historic vehicles may be driven to and from repair
23 facilities one hundred miles from the vehicle's location, and in
24 addition may be driven up to one thousand miles per year for
25 personal use. The owner of the historic vehicle shall be
26 responsible for keeping a log of the miles driven for personal
27 use each calendar year. Such log must be kept in the historic
28 vehicle when the vehicle is driven on any state road. The

1 historic vehicle's mileage driven in an antique auto tour or
2 event and mileage driven to and from such a tour or event shall
3 not be considered mileage driven for the purpose of the mileage
4 limitations in this section. Violation of this section [is a
5 class C misdemeanor] shall be punishable under section 301.440
6 and in addition to any other penalties prescribed by law, upon
7 [conviction] plea or finding of guilt thereof, the director of
8 revenue shall revoke the historic motor vehicle license plates of
9 such violator which were issued pursuant to this section.

10 5. Notwithstanding any provisions of this section to the
11 contrary, any person possessing a license plate issued by the
12 state of Missouri that is over twenty-five years old, in which
13 the year of the issuance of such plate is consistent with the
14 year of the manufacture of the vehicle, the owner of the vehicle
15 may register such plate as an historic vehicle plate as set forth
16 in subsections 1 and 2 of this section, provided that the
17 configuration of letters, numbers or combination of letters and
18 numbers of such plate are not identical to the configuration of
19 letters, numbers or combination of letters and numbers of any
20 plates already issued to an owner by the director. Such license
21 plate shall not be required to possess the characteristic
22 features of reflective material and common color scheme and
23 design as prescribed in section 301.130. The owner of the
24 historic vehicle registered pursuant to this subsection shall
25 keep the certificate of registration in the vehicle at all times.
26 The certificate of registration shall be prima facie evidence
27 that the vehicle has been properly registered with the director
28 and that all fees have been paid.

1 301.140. 1. Upon the transfer of ownership of any motor
2 vehicle or trailer, the certificate of registration and the right
3 to use the number plates shall expire and the number plates shall
4 be removed by the owner at the time of the transfer of
5 possession, and it shall be unlawful for any person other than
6 the person to whom such number plates were originally issued to
7 have the same in his or her possession whether in use or not,
8 unless such possession is solely for charitable purposes; except
9 that the buyer of a motor vehicle or trailer who trades in a
10 motor vehicle or trailer may attach the license plates from the
11 traded-in motor vehicle or trailer to the newly purchased motor
12 vehicle or trailer. The operation of a motor vehicle with such
13 transferred plates shall be lawful for no more than thirty days.
14 As used in this subsection, the term "trade-in motor vehicle or
15 trailer" shall include any single motor vehicle or trailer sold
16 by the buyer of the newly purchased vehicle or trailer, as long
17 as the license plates for the trade-in motor vehicle or trailer
18 are still valid.

19 2. In the case of a transfer of ownership the original
20 owner may register another motor vehicle under the same number,
21 upon the payment of a fee of two dollars, if the motor vehicle is
22 of horsepower, gross weight or (in the case of a
23 passenger-carrying commercial motor vehicle) seating capacity,
24 not in excess of that originally registered. When such motor
25 vehicle is of greater horsepower, gross weight or (in the case of
26 a passenger-carrying commercial motor vehicle) seating capacity,
27 for which a greater fee is prescribed, applicant shall pay a
28 transfer fee of two dollars and a pro rata portion for the

1 difference in fees. When such vehicle is of less horsepower,
2 gross weight or (in case of a passenger-carrying commercial motor
3 vehicle) seating capacity, for which a lesser fee is prescribed,
4 applicant shall not be entitled to a refund.

5 3. License plates may be transferred from a motor vehicle
6 which will no longer be operated to a newly purchased motor
7 vehicle by the owner of such vehicles. The owner shall pay a
8 transfer fee of two dollars if the newly purchased vehicle is of
9 horsepower, gross weight or (in the case of a passenger-carrying
10 commercial motor vehicle) seating capacity, not in excess of that
11 of the vehicle which will no longer be operated. When the newly
12 purchased motor vehicle is of greater horsepower, gross weight or
13 (in the case of a passenger-carrying commercial motor vehicle)
14 seating capacity, for which a greater fee is prescribed, the
15 applicant shall pay a transfer fee of two dollars and a pro rata
16 portion of the difference in fees. When the newly purchased
17 vehicle is of less horsepower, gross weight or (in the case of a
18 passenger-carrying commercial motor vehicle) seating capacity,
19 for which a lesser fee is prescribed, the applicant shall not be
20 entitled to a refund.

21 4. Upon the sale of a motor vehicle or trailer by a dealer,
22 a buyer who has made application for registration, by mail or
23 otherwise, may operate the same for a period of thirty days after
24 taking possession thereof, if during such period the motor
25 vehicle or trailer shall have attached thereto, in the manner
26 required by section 301.130, number plates issued to the dealer.
27 Upon application and presentation of proof of financial
28 responsibility as required under subsection 5 of this section and

1 satisfactory evidence that the buyer has applied for
2 registration, a dealer may furnish such number plates to the
3 buyer for such temporary use. In such event, the dealer shall
4 require the buyer to deposit the sum of ten dollars and fifty
5 cents to be returned to the buyer upon return of the number
6 plates as a guarantee that said buyer will return to the dealer
7 such number plates within thirty days. The director shall issue
8 a temporary permit authorizing the operation of a motor vehicle
9 or trailer by a buyer for not more than thirty days of the date
10 of purchase.

11 5. The temporary permit shall be made available by the
12 director of revenue and may be purchased from the department of
13 revenue upon proof of purchase of a motor vehicle or trailer for
14 which the buyer has no registration plate available for transfer
15 and upon proof of financial responsibility, or from a dealer upon
16 purchase of a motor vehicle or trailer for which the buyer has no
17 registration plate available for transfer. The director shall
18 make temporary permits available to registered dealers in this
19 state or authorized agents of the department of revenue in sets
20 of ten permits. The fee for the temporary permit shall be seven
21 dollars and fifty cents for each permit or plate issued. No
22 dealer or authorized agent shall charge more than seven dollars
23 and fifty cents for each permit issued. The permit shall be
24 valid for a period of thirty days from the date of purchase of a
25 motor vehicle or trailer, or from the date of sale of the motor
26 vehicle or trailer by a dealer for which the purchaser obtains a
27 permit as set out above. No permit shall be issued for a vehicle
28 under this section unless the buyer shows proof of financial

1 responsibility.

2 6. The permit shall be issued on a form prescribed by the
3 director and issued only for the applicant's use in the operation
4 of the motor vehicle or trailer purchased to enable the applicant
5 to legally operate the vehicle while proper title and
6 registration plate are being obtained, and shall be displayed on
7 no other vehicle. Temporary permits issued pursuant to this
8 section shall not be transferable or renewable and shall not be
9 valid upon issuance of proper registration plates for the motor
10 vehicle or trailer. The director shall determine the size and
11 numbering configuration, construction, and color of the permit.

12 7. The dealer or authorized agent shall insert the date of
13 issuance and expiration date, year, make, and manufacturer's
14 number of vehicle on the permit when issued to the buyer. The
15 dealer shall also insert such dealer's number on the permit.
16 Every dealer that issues a temporary permit shall keep, for
17 inspection of proper officers, a correct record of each permit
18 issued by recording the permit or plate number, buyer's name and
19 address, year, make, manufacturer's vehicle identification number
20 on which the permit is to be used, and the date of issuance.

21 8. Upon the transfer of ownership of any currently
22 registered motor vehicle wherein the owner cannot transfer the
23 license plates due to a change of vehicle category, the owner may
24 surrender the license plates issued to the motor vehicle and
25 receive credit for any unused portion of the original
26 registration fee against the registration fee of another motor
27 vehicle. Such credit shall be granted based upon the date the
28 license plates are surrendered. No refunds shall be made on the

1 unused portion of any license plates surrendered for such credit.

2 301.150. 1. License plates issued to owners of motor
3 vehicles registered pursuant to the monthly series system of
4 registration as provided in section 301.030 shall be removed on
5 the sale or transfer of ownership of such vehicles. The plates,
6 if still current, may thereafter be retained and preserved by the
7 person to whom issued, to be fastened to such other motor
8 vehicles as such person shall thereafter register in the person's
9 name.

10 2. If application for registration of another motor vehicle
11 is not made to the director of revenue within one year following
12 the sale or transfer of ownership of a motor vehicle, the license
13 plates held by the person who sold or transferred ownership of
14 such motor vehicle shall be declared void, and new license plates
15 bearing the same numbers may be issued to another registrant.

16 3. It shall be unlawful to fasten voided plates to any
17 motor vehicle. Violation of this section shall be [deemed a class
18 C misdemeanor] punishable under section 301.440.

19 301.165. 1. Notwithstanding any other provision of law to
20 the contrary, any person, after an annual payment of an emblem-
21 use fee to the Brain Tumor Awareness Organization, may receive
22 special license plates for any vehicle the person owns, either
23 solely or jointly, other than an apportioned motor vehicle or a
24 commercial motor vehicle licensed in excess of eighteen thousand
25 pounds gross weight. The Brain Tumor Awareness Organization
26 hereby authorizes the use of its official emblem to be affixed on
27 multi-year personalized license plates as provided in this
28 section. Any contribution to the Brain Tumor Awareness

1 Organization derived from this section, except reasonable
2 administrative costs, shall be used solely for the purposes of
3 the Brain Tumor Awareness Organization. Any member of the Brain
4 Tumor Awareness Organization may annually apply for the use of
5 the emblem.

6 2. Upon annual application and payment of a twenty-five
7 dollar emblem-use contribution to the Brain Tumor Awareness
8 Organization, the Brain Tumor Awareness Organization shall issue
9 to the vehicle owner, without further charge, an emblem-use
10 authorization statement, which shall be presented by the vehicle
11 owner to the director of revenue at the time of registration.
12 Upon presentation of the annual statement and payment of a
13 twenty-five dollar fee in addition to the regular registration
14 fees, and presentation of any documents which may be required by
15 law, the director of revenue shall issue to the vehicle owner a
16 special license plate which shall bear the emblem of the Brain
17 Tumor Awareness Organization. Such license plates shall be made
18 with fully reflective material with a common color scheme and
19 design, shall be clearly visible at night, and shall be
20 aesthetically attractive, as prescribed by section 301.130. In
21 addition, upon such set of license plates shall be inscribed, in
22 lieu of the words "SHOW-ME STATE", the words "Brain Tumor
23 Awareness". Notwithstanding the provisions of section 301.144,
24 no additional fee shall be charged for the personalization of
25 license plates issued pursuant to this section.

26 3. A vehicle owner who was previously issued a plate with
27 the Brain Tumor Awareness Organization's emblem authorized by
28 this section, but who does not provide an emblem-use

1 authorization statement at a subsequent time of registration,
2 shall be issued a new plate which does not bear the Brain Tumor
3 Awareness Organization's emblem, as otherwise provided by law.
4 The director of revenue shall make necessary rules and
5 regulations for the enforcement of this section, and shall design
6 all necessary forms required by this section.

7 4. Prior to the issuance of a Brain Tumor Awareness
8 Organization specialty plate authorized under this section the
9 department of revenue must be in receipt of an application, as
10 prescribed by the director, which shall be accompanied by a list
11 of at least two hundred potential applicants who plan to purchase
12 the specialty plate, the proposed art design for the specialty
13 license plate, and an application fee, not to exceed five
14 thousand dollars, to defray the department's cost for issuing,
15 developing, and programming the implementation of the specialty
16 plate. Once the plate design is approved, the director of
17 revenue shall not authorize the manufacture of the material to
18 produce such specialized license plates with the individual seal,
19 logo, or emblem until such time as the director has received two
20 hundred applications, the twenty-five dollar specialty plate fee
21 per application, and emblem-use statements, if applicable, and
22 other required documents or fees for such plates.

23 301.280. 1. Every motor vehicle dealer and boat dealer
24 shall make a monthly report to the department of revenue, on
25 blanks to be prescribed by the department of revenue, giving the
26 following information: date of the sale of each motor vehicle,
27 boat, trailer and all-terrain vehicle sold; the name and address
28 of the buyer; the name of the manufacturer; year of manufacture;

1 model of vehicle; vehicle identification number; style of
2 vehicle; odometer setting; and it shall also state whether the
3 motor vehicle, boat, trailer or all-terrain vehicle is new or
4 secondhand. Each monthly sales report filed by a motor vehicle
5 dealer who collects sales tax under subsection 8 of section
6 144.070, RSMo, shall also include the amount of state and local
7 sales tax collected for each motor vehicle sold if sales tax was
8 due. The odometer reading is not required when reporting the
9 sale of any motor vehicle that is ten years old or older, any
10 motor vehicle having a gross vehicle weight rating of more than
11 sixteen thousand pounds, new vehicles that are transferred on a
12 manufacturer's statement of origin between one franchised motor
13 vehicle dealer and another, or boats, all-terrain vehicles or
14 trailers. The sale of all thirty-day temporary permits, without
15 exception, shall be recorded in the appropriate space on the
16 dealer's monthly sales report by recording the complete permit
17 number issued on the motor vehicle or trailer sale listed. The
18 monthly sales report shall be completed in full and signed by an
19 officer, partner, or owner of the dealership, and actually
20 received by the department of revenue on or before the fifteenth
21 day of the month succeeding the month for which the sales are
22 being reported. If no sales occur in any given month, a report
23 shall be submitted for that month indicating no sales. Any
24 vehicle dealer who fails to file a monthly report or who fails to
25 file a timely report shall be subject to disciplinary action as
26 prescribed in section 301.562 or a penalty assessed by the
27 director not to exceed three hundred dollars per violation.
28 Every motor vehicle and boat dealer shall retain copies of the

1 monthly sales report as part of the records to be maintained at
2 the dealership location and shall hold them available for
3 inspection by appropriate law enforcement officials and officials
4 of the department of revenue. Every vehicle dealer selling
5 twenty or more vehicles a month shall file the monthly sales
6 report with the department in an electronic format. Any dealer
7 filing a monthly sales report in an electronic format shall be
8 exempt from filing the notice of transfer required by section
9 301.196. For any dealer not filing electronically, the notice of
10 transfer required by section 301.196 shall be submitted with the
11 monthly sales report as prescribed by the director.

12 2. Every dealer and every person operating a public garage
13 shall keep a correct record of the vehicle identification number,
14 odometer setting, manufacturer's name of all motor vehicles or
15 trailers accepted by him for the purpose of sale, rental,
16 storage, repair or repainting, together with the name and address
17 of the person delivering such motor vehicle or trailer to the
18 dealer or public garage keeper, and the person delivering such
19 motor vehicle or trailer shall record such information in a file
20 kept by the dealer or garage keeper. The record shall be kept
21 for three years and be open for inspection by law enforcement
22 officials, members or authorized or designated employees of the
23 Missouri highway patrol, and persons, agencies and officials
24 designated by the director of revenue.

25 3. Every dealer and every person operating a public garage
26 in which a motor vehicle remains unclaimed for a period of
27 fifteen days shall, within five days after the expiration of that
28 period, report the motor vehicle as unclaimed to the director of

1 revenue. Such report shall be on a form prescribed by the
2 director of revenue. A motor vehicle left by its owner whose
3 name and address are known to the dealer or his employee or
4 person operating a public garage or his employee is not
5 considered unclaimed. Any dealer or person operating a public
6 garage who fails to report a motor vehicle as unclaimed as herein
7 required forfeits all claims and liens for its garaging, parking
8 or storing.

9 4. The director of revenue shall maintain appropriately
10 indexed cumulative records of unclaimed vehicles reported to the
11 director. Such records shall be kept open to public inspection
12 during reasonable business hours.

13 5. The alteration or obliteration of the vehicle
14 identification number on any such motor vehicle shall be prima
15 facie evidence of larceny, and the dealer or person operating
16 such public garage shall upon the discovery of such obliteration
17 or alteration immediately notify the highway patrol, sheriff,
18 marshal, constable or chief of police of the municipality where
19 the dealer or garage keeper has his place of business, and shall
20 hold such motor vehicle or trailer for a period of forty-eight
21 hours for the purpose of an investigation by the officer so
22 notified.

23 301.290. 1. Correctional enterprises of the department of
24 corrections shall purchase, erect and maintain all of the
25 machinery and equipment necessary for the manufacture of the
26 license plates and tabs issued by the director of revenue, and of
27 signs used by the state transportation department. Beginning on
28 January 1, [2010] 2011, correctional enterprises shall no longer

1 erect and maintain tabs for the department of revenue.

2 2. The director of revenue shall procure all plates issued
3 by him, and the state transportation department shall procure all
4 signs used by it from correctional enterprises, unless an
5 emergency arises and correctional enterprises cannot furnish the
6 plates, tabs or signs.

7 3. Correctional enterprises shall furnish the plates and
8 signs at such a price as will not exceed the price at which such
9 plates and signs may be obtained upon the open market, but in no
10 event shall such price be less than the cost of manufacture,
11 including labor and materials.

12 4. All moneys derived from the sale of the plates, tabs and
13 signs shall be paid into the state treasury to the credit of the
14 working capital revolving fund as provided in section 217.595,
15 RSMo.

16 301.310. 1. Whenever a law enforcement officer observes a
17 plate to be in such condition as to hinder or make difficult
18 identification of same, he shall notify the director of revenue
19 and instruct the owner to apply for a duplicate plate.

20 2. If the owner has not made application within fifteen
21 days, the director of revenue may cancel such registration and
22 notify the registrant and such cancellation shall remain in force
23 until the application has been filed.

24 3. The director of revenue may at his discretion replace
25 worn plates without cost to the registrant.

26 4. Failure to surrender a mutilated or worn plate for which
27 duplicate has been issued shall [be deemed a misdemeanor]
28 punishable under section 301.440.

1 301.420. No person shall willfully or knowingly make a
2 false statement in any application for the registration of a
3 motor vehicle or trailer, or as a dealer, or in an application
4 for or assignment of a certificate of ownership. All blanks or
5 forms issued by the director of revenue for the purpose of making
6 application for registration of certificate of ownership shall
7 conspicuously bear on the face thereof the following words: "Any
8 false statement in this application is a violation of the law and
9 may be punished by fine or imprisonment or both". Violation of
10 this section shall be a class C misdemeanor.

11 301.440. Any person who violates any provision of sections
12 301.010 to 301.440 for which no specific punishment is provided
13 shall upon **[conviction]** a plea of finding of guilt thereof be
14 **[punished]** guilty of an infraction punishable by a fine of not
15 less than five dollars or more than five hundred dollars **[or by**
16 **imprisonment in the county jail for a term not exceeding one**
17 **year, or by both the fine and imprisonment]**.

18 301.562. 1. The department may refuse to issue or renew
19 any license required pursuant to sections 301.550 to 301.573 for
20 any one or any combination of causes stated in subsection 2 of
21 this section. The department shall notify the applicant or
22 licensee in writing at his or her last known address of the
23 reasons for the refusal to issue or renew the license and shall
24 advise the applicant or licensee of his or her right to file a
25 complaint with the administrative hearing commission as provided
26 by chapter 621, RSMo.

27 2. The department may cause a complaint to be filed with
28 the administrative hearing commission as provided by chapter 621,

1 RSMo, against any holder of any license issued under sections
2 301.550 to 301.573 for any one or any combination of the
3 following causes:

4 (1) The applicant or license holder was previously the
5 holder of a license issued under sections 301.550 to 301.573,
6 which license was revoked for cause and never reissued by the
7 department, or which license was suspended for cause and the
8 terms of suspension have not been fulfilled;

9 (2) The applicant or license holder was previously a
10 partner, stockholder, director or officer controlling or managing
11 a partnership or corporation whose license issued under sections
12 301.550 to 301.573 was revoked for cause and never reissued or
13 was suspended for cause and the terms of suspension have not been
14 fulfilled;

15 (3) The applicant or license holder has, within ten years
16 prior to the date of the application, been finally adjudicated
17 and found guilty, or entered a plea of guilty or nolo contendere,
18 in a prosecution under the laws of any state or of the United
19 States, for any offense reasonably related to the qualifications,
20 functions, or duties of any business licensed under sections
21 301.550 to 301.573; for any offense, an essential element of
22 which is fraud, dishonesty, or an act of violence; or for any
23 offense involving moral turpitude, whether or not sentence is
24 imposed;

25 (4) Use of fraud, deception, misrepresentation, or bribery
26 in securing any license issued pursuant to sections 301.550 to
27 301.573;

28 (5) Obtaining or attempting to obtain any money,

1 commission, fee, barter, exchange, or other compensation by
2 fraud, deception, or misrepresentation;

3 (6) Violation of, or assisting or enabling any person to
4 violate any provisions of this chapter and chapters 144, 306,
5 307, 407, 578, and 643, RSMo, or of any lawful rule or regulation
6 adopted pursuant to this chapter and chapters 306, 307, 407, 578,
7 and 643, RSMo;

8 (7) The applicant or license holder has filed an
9 application for a license which, as of its effective date, was
10 incomplete in any material respect or contained any statement
11 which was, in light of the circumstances under which it was made,
12 false or misleading with respect to any material fact;

13 (8) The applicant or license holder has failed to pay the
14 proper application or license fee or other fees required pursuant
15 to this chapter or chapter 306, RSMo, or fails to establish or
16 maintain a bona fide place of business;

17 (9) Uses or permits the use of any special license or
18 license plate assigned to the license holder for any purpose
19 other than those permitted by law;

20 (10) The applicant or license holder is finally adjudged
21 insane or incompetent by a court of competent jurisdiction;

22 (11) Use of any advertisement or solicitation which is
23 false;

24 (12) Violations of sections 407.511 to 407.556, RSMo,
25 section 578.120, RSMo, which resulted in a conviction or finding
26 of guilt or violation of any federal motor vehicle laws which
27 result in a conviction or finding of guilt.

28 3. Any such complaint shall be filed within one year of the

1 date upon which the department receives notice of an alleged
2 violation of an applicable statute or regulation. After the
3 filing of such complaint, the proceedings shall be conducted in
4 accordance with the provisions of chapter 621, RSMo. Upon a
5 finding by the administrative hearing commission that the
6 grounds, provided in subsection 2 of this section, for
7 disciplinary action are met, the department may, singly or in
8 combination, refuse to issue the person a license, issue a
9 private reprimand, place the person on probation on such terms
10 and conditions as the department deems appropriate for a period
11 of one day to five years, suspend the person's license from one
12 day to six days, or revoke the person's license for such period
13 as the department deems appropriate. The applicant or licensee
14 shall have the right to appeal the decision of the administrative
15 hearing commission and department in the manner provided in
16 chapter 536, RSMo.

17 4. Upon the suspension or revocation of any person's
18 license issued under sections 301.550 to 301.573, the department
19 shall recall any distinctive number plates that were issued to
20 that licensee.

21 301.571. 1. For purposes of this section, the following
22 terms mean:

23 (1) "Mobility motor vehicle", a motor vehicle that is
24 designed and equipped to transport a person with a disability
25 and:

26 (a) Contains a lowered floor or lowered frame, or a raised
27 roof and/or raised door;

28 (b) Contains an electronic or mechanical wheelchair,

1 scooter, or platform lift that enables a person to enter or exit
2 the vehicle while occupying a wheelchair or scooter; an
3 electronic or mechanical wheelchair ramp; or a system to secure a
4 wheelchair or scooter to allow for a person to be safely
5 transported while occupying the wheelchair or scooter; and

6 (c) Is installed as an integral part or permanent
7 attachment to the motor vehicle chassis;

8 (2) "Mobility motor vehicle dealer", a dealer who is
9 licensed as a new or used motor vehicle dealer under this chapter
10 who is engaged in the business of buying, selling, or exchanging
11 mobility motor vehicles and servicing or repairing mobility motor
12 vehicles at an established and permanent place of business.

13 2. Notwithstanding any other law, a mobility motor vehicle
14 dealer may:

15 (1) Purchase or otherwise acquire a new motor vehicle from
16 a franchised dealer to fit or equip the motor vehicle for retail
17 sale as a mobility motor vehicle from a franchised dealer
18 wherever located;

19 (2) Display a new motor vehicle to a person with a
20 disability to fit or equip the vehicle as a mobility motor
21 vehicle for the person; or

22 (3) Sell a new motor vehicle that has been fitted or
23 equipped as a new mobility motor vehicle with the resale
24 occurring through or by a franchised dealer.

25 3. A mobility motor vehicle dealer who purchased or
26 acquired a new motor vehicle from a franchised dealer to equip
27 the vehicle as a mobility vehicle shall not advertise the vehicle
28 for resale until the vehicle is fitted or equipped as a mobility

1 motor vehicle.

2 4. A mobility motor vehicle dealer shall not, except as
3 permitted by subdivision (2) of subsection 2 of this section,
4 display or offer to display a new motor vehicle that is not a
5 mobility motor vehicle to the public.

6 301.716. 1. Any violation of the provisions of sections
7 301.700 to 301.714 shall be an infraction. An arrest or service
8 of summons for violations of the provisions of sections 301.700
9 to 301.714 and section 577.065, RSMo, or the provisions of this
10 chapter, chapter 304, RSMo, or 307, RSMo, as such provisions
11 relate to all-terrain vehicles may be made by the duly authorized
12 law enforcement officer of any political subdivision of the
13 state, the highway patrol and the state water patrol.

14 2. Violations of sections 301.700 to 301.714 and section
15 577.065, RSMo, or the provisions of this chapter, chapter 304,
16 RSMo, or 307, RSMo, as such provisions relate to all-terrain
17 vehicles or any rule or order hereunder may be referred to the
18 proper prosecuting attorney or circuit attorney who may, with or
19 without such reference, institute appropriate [criminal]
20 proceedings.

21 3. Nothing in sections 301.700 to 301.714 and section
22 577.065, RSMo, or the provisions of this chapter, chapter 304,
23 RSMo, or 307, RSMo, as such provisions relate to all-terrain
24 vehicles limits the power of the state to punish any person for
25 any conduct which constitutes a crime by statute or at common
26 law.

27 301.3155. 1. Any person who has been awarded the military
28 service award known as the "Armed Forces Expeditionary Medal" may

1 apply for Armed Forces Expeditionary Medal motor vehicle license
2 plates for any motor vehicle such person owns, either solely or
3 jointly, other than an apportioned motor vehicle or a commercial
4 motor vehicle licensed in excess of eighteen thousand pounds
5 gross weight.

6 2. Any such person shall make application for Armed Forces
7 Expeditionary Medal license plates on a form provided by the
8 director of revenue and furnish such proof as a recipient of the
9 Armed Forces Expeditionary Medal as the director may require.

10 The director shall then issue license plates bearing letters or
11 numbers or a combination thereof as determined by the director
12 with the words "ARMED FORCES EXPEDITIONARY MEDAL" in place of the
13 words "SHOW-ME STATE". Such license plates shall be made with
14 fully reflective material with a common color scheme and design,
15 shall be clearly visible at night, and shall be aesthetically
16 attractive, as prescribed by section 301.130. Such plates shall
17 also be inscribed with the words "expeditionary service" and bear
18 a reproduction of the armed forces expeditionary service ribbon.

19 3. There shall be a fifteen-dollar fee in addition to the
20 regular registration fees charged for each set of Armed Forces
21 Expeditionary Medal license plates issued under this section. A
22 fee for the issuance of personalized license plates under section
23 301.144 shall not be required for plates issued under this
24 section. There shall be no limit on the number of license plates
25 any person qualified under this section may obtain so long as
26 each set of license plates issued under this section is issued
27 for vehicles owned solely or jointly by such person. License
28 plates issued under the provisions of this section shall not be

1 transferable to any other person except that any registered
2 co-owner of the motor vehicle shall be entitled to operate the
3 motor vehicle with such plates for the duration of the year
4 licensed in the event of the death of the qualified person.

5 302.182. 1. Any resident of this state who is permanently
6 disabled may apply to the department of revenue to have a
7 notation indicating such status on the person's driver's license
8 or nondriver's license. The department of revenue, by rule, may
9 establish the cost and criteria for placement of the notation,
10 such as requiring an applicant to submit certain medical proof of
11 permanent disability.

12 2. Any rule or portion of a rule, as that term is defined
13 in section 536.010, RSMo, that is created under the authority
14 delegated in this section shall become effective only if it
15 complies with and is subject to all of the provisions of chapter
16 536, RSMo, and, if applicable, section 536.028, RSMo. This
17 section and chapter 536, RSMo, are nonseverable and if any of the
18 powers vested with the general assembly pursuant to chapter 536,
19 RSMo, to review, to delay the effective date, or to disapprove
20 and annul a rule are subsequently held unconstitutional, then the
21 grant of rulemaking authority and any rule proposed or adopted
22 after August 28, 2009, shall be invalid and void.

23 302.184. Any resident of this state who possesses a boater
24 identification card issued by the Missouri state water patrol
25 under section 306.127, RSMo, may apply to the department of
26 revenue to have a notation placed on the person's driver's
27 license or nondriver's license indicating that such person has
28 complied with the provisions of section 306.127, RSMo. The

department of revenue, by rule, may establish the cost and
criteria for placement of the notation. Any driver's license or
nondriver's license bearing such a notation may be used for
identification in lieu of a boater identification card issued
under section 306.127, RSMo. Any rule or portion of a rule, as
that term is defined in section 536.010, RSMo, that is created
under the authority delegated in this section shall become
effective only if it complies with and is subject to all of the
provisions of chapter 536, RSMo, and, if applicable, section
536.028, RSMo. This section and chapter 536, RSMo, are
nonseverable and if any of the powers vested with the general
assembly pursuant to chapter 536, RSMo, to review, to delay the
effective date, or to disapprove and annul a rule are
subsequently held unconstitutional, then the grant of rulemaking
authority and any rule proposed or adopted after August 28, 2009,
shall be invalid and void.

302.302. 1. The director of revenue shall put into effect
a point system for the suspension and revocation of licenses.
Points shall be assessed only after a conviction or forfeiture of
collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or
municipal or
federal traffic ordinance or regulation not listed in this
section, other than a
violation of vehicle equipment provisions or a court-ordered
supervision as
provided in section 302.303... 2 points
(except any violation of municipal stop sign

1 ordinance where no accident is involved. 1 point)

2 (2) Speeding

3 In violation of a state law. 3 points

4 In violation of a county or municipal ordinance. . . . 2 points

5 (3) Leaving the scene of an accident in

6 violation of section 577.060, RSMo.. . . . 12 points

7 In violation of any county or municipal ordinance. . . 6 points

8 (4) Careless and imprudent driving in violation of

9 subsection 4 of

10 section 304.016, RSMo. 4 points

11 In violation of a county or municipal ordinance. . . . 2 points

12 (5) Operating without a valid license in violation of

13 subdivision (1) or (2)

14 of subsection 1 of section 302.020:

15 (a) For the first conviction. 2 points

16 (b) For the second conviction.. . . . 4 points

17 (c) For the third conviction. 6 points

18 (6) Operating with a suspended or revoked license prior to

19 restoration of

20 operating privileges. 12 points

21 (7) Obtaining a license by misrepresentation. . . 12 points

22 (8) For the first conviction of driving while in an

23 intoxicated condition or

24 under the influence of controlled substances or drugs. 8 points

25 (9) For the second or subsequent conviction of any of the

26 following offenses

27 however combined: driving while in an intoxicated condition,

28 driving under

1 the influence of controlled substances or drugs or driving with
2 a blood alcohol
3 content of eight-hundredths of one percent or more by weight 2 points
4 (10) For the first conviction for driving with blood
5 alcohol content
6 eight-hundredths of one percent or more by weight In violation
7 of state law. 8 points
8 In violation of a county or municipal ordinance or federal law
9 or regulation.. . . . 8 points
10 (11) Any felony involving the use of a motor vehicle 2 points
11 (12) Knowingly permitting unlicensed operator to operate a
12 motor vehicle.. . . . 4 points
13 (13) For a conviction for failure to maintain financial
14 responsibility pursuant
15 to county or municipal ordinance or pursuant to section 303.025,
16 RSMo. 4 points
17 (14) Endangerment of a highway worker in violation of
18 section 304.585, RSMo.. . . . 4 points
19 (15) Aggravated endangerment of a highway worker in
20 violation of
21 section 304.585, RSMo.. . . . 12 points
22 (16) For a conviction of violating a municipal ordinance
23 that prohibits
24 tow truck operators from stopping at or proceeding to the scene
25 of an accident
26 unless they have been requested to stop or proceed to such
27 scene by a party
28 involved in such accident or by an officer of a public safety

1 agency. 4 points

2 2. The director shall, as provided in subdivision (5) of
3 subsection 1 of this section, assess an operator points for a
4 conviction pursuant to subdivision (1) or (2) of subsection 1 of
5 section 302.020, when the director issues such operator a license
6 or permit pursuant to the provisions of sections 302.010 to
7 302.340.

8 3. An additional two points shall be assessed when personal
9 injury or property damage results from any violation listed in
10 subdivisions (1) to (13) of subsection 1 of this section and if
11 found to be warranted and certified by the reporting court.

12 4. When any of the acts listed in subdivision (2), (3), (4)
13 or (8) of subsection 1 of this section constitutes both a
14 violation of a state law and a violation of a county or municipal
15 ordinance, points may be assessed for either violation but not
16 for both. Notwithstanding that an offense arising out of the
17 same occurrence could be construed to be a violation of
18 subdivisions (8), (9) and (10) of subsection 1 of this section,
19 no person shall be tried or convicted for more than one offense
20 pursuant to subdivisions (8), (9) and (10) of subsection 1 of
21 this section for offenses arising out of the same occurrence.

22 5. The director of revenue shall put into effect a system
23 for staying the assessment of points against an operator. The
24 system shall provide that the satisfactory completion of a
25 driver-improvement program or, in the case of violations
26 committed while operating a motorcycle, a motorcycle-rider
27 training course approved by the state highways and transportation
28 commission, by an operator, when so ordered and verified by any

1 court having jurisdiction over any law of this state or county or
2 municipal ordinance, regulating motor vehicles, other than a
3 violation committed in a commercial motor vehicle as defined in
4 section 302.700 or a violation committed by an individual who has
5 been issued a commercial driver's license or is required to
6 obtain a commercial driver's license in this state or any other
7 state, shall be accepted by the director in lieu of the
8 assessment of points for a violation pursuant to subdivision (1),
9 (2) or (4) of subsection 1 of this section or pursuant to
10 subsection 3 of this section. A court using a centralized
11 violation bureau established under section 476.385, RSMo, may
12 elect to have the bureau order and verify completion of a driver-
13 improvement program or motorcycle-rider training course as
14 prescribed by order of the court. For the purposes of this
15 subsection, the driver-improvement program shall meet or exceed
16 the standards of the National Safety Council's eight-hour
17 "Defensive Driving Course" or, in the case of a violation which
18 occurred during the operation of a motorcycle, the program shall
19 meet the standards established by the state highways and
20 transportation commission pursuant to sections 302.133 to
21 302.137. The completion of a driver-improvement program or a
22 motorcycle-rider training course shall not be accepted in lieu of
23 points more than one time in any thirty-six-month period and
24 shall be completed within sixty days of the date of conviction in
25 order to be accepted in lieu of the assessment of points. Every
26 court having jurisdiction pursuant to the provisions of this
27 subsection shall, within fifteen days after completion of the
28 driver-improvement program or motorcycle-rider training course by

1 an operator, forward a record of the completion to the director,
2 all other provisions of the law to the contrary notwithstanding.
3 The director shall establish procedures for record keeping and
4 the administration of this subsection.

5 302.341. 1. If a Missouri resident charged with a moving
6 traffic violation of this state or any county or municipality of
7 this state fails to dispose of the charges of which he is accused
8 through authorized prepayment of fine and court costs and fails
9 to appear on the return date or at any subsequent date to which
10 the case has been continued, or without good cause fails to pay
11 any fine or court costs assessed against him for any such
12 violation within the period of time specified or in such
13 installments as approved by the court or as otherwise provided by
14 law, any court having jurisdiction over the charges shall within
15 ten days of the failure to comply inform the defendant by
16 ordinary mail at the last address shown on the court records that
17 the court will order the director of revenue to suspend the
18 defendant's driving privileges if the charges are not disposed of
19 and fully paid within thirty days from the date of mailing.
20 Thereafter, if the defendant fails to timely act to dispose of
21 the charges and fully pay any applicable fines and court costs,
22 the court shall notify the director of revenue of such failure
23 and of the pending charges against the defendant. Upon receipt
24 of this notification, the director shall suspend the license of
25 the driver, effective immediately, and provide notice of the
26 suspension to the driver at the last address for the driver shown
27 on the records of the department of revenue. Such suspension
28 shall remain in effect until the court with the subject pending

1 charge requests setting aside the noncompliance suspension
2 pending final disposition, or satisfactory evidence of
3 disposition of pending charges and payment of fine and court
4 costs, if applicable, is furnished to the director by the
5 individual. Upon proof of disposition of charges and payment of
6 fine and court costs, if applicable, and payment of the
7 reinstatement fee as set forth in section 302.304, the director
8 shall return the license and remove the suspension from the
9 individual's driving record. The filing of financial
10 responsibility with the bureau of safety responsibility,
11 department of revenue, shall not be required as a condition of
12 reinstatement of a driver's license suspended solely under the
13 provisions of this section.

14 2. If any city, town or village receives more than
15 forty-five percent of its total annual revenue from fines for
16 traffic violations occurring on state highways, all revenues from
17 such violations in excess of forty-five percent of the total
18 annual revenue of the city, town or village shall be sent to the
19 director of the department of revenue and shall be distributed
20 annually to the schools of the county in the same manner that
21 proceeds of all penalties, forfeitures and fines collected for
22 any breach of the penal laws of the state are distributed. For
23 the purpose of this section the words "state highways" shall mean
24 any state or federal highway, including any such highway
25 continuing through the boundaries of a city, town or village with
26 a designated street name other than the state highway number.

27 3. Notwithstanding subsection 2 of this section to the
28 contrary, if any city of the fourth classification with fewer

1 than one thousand inhabitants, which also has an interstate
2 highway traversing through its municipal boundaries, receives
3 more than thirty-five percent of its total annual revenue from
4 finest for traffic violations occurring on state highways, all
5 revenues from such traffic violations in excess of thirty-five
6 percent of the total annual revenue of such city shall be sent to
7 the director of the department of revenue and shall be
8 distributed annually to the schools of the county in the same
9 manner that proceeds of all penalties, forfeitures, and fines
10 collected for any breach of the penal laws of the state are
11 distributed. As used in this subsection, the term "interstate
12 highway" means a highway that is part of the interstate system as
13 defined in section 226.660, RSMo.

14 302.545. 1. Any person who is less than twenty-one years
15 of age and whose driving privilege has been suspended or revoked,
16 for a first determination under sections 302.500 to 302.540, that
17 such person was driving with two-hundredths of one percent of
18 blood alcohol content, shall have all official records and all
19 recordations maintained by the department of revenue of such
20 suspension or revocation expunged two years after the date of
21 such suspension or revocation, or when such person attains the
22 age of twenty-one, whichever date first occurs. Such expungement
23 shall be performed by the department of revenue without need of a
24 court order. No records shall be expunged if the person was
25 found guilty or pled guilty to operating a commercial motor
26 vehicle, as defined in section 302.700, or if the person was
27 holding a commercial driver's license at the time of the offense,
28 with a blood alcohol content of at least four-hundredths of one

1 percent.

2 2. The provisions of this section shall not apply to any
3 person whose license is suspended or revoked for a second or
4 subsequent time pursuant to subsection 1 of this section or who
5 is convicted of any alcohol-related driving offense before the
6 age of twenty-one including, but not limited to:

7 (1) Driving while intoxicated pursuant to section 577.010,
8 RSMo; or

9 (2) Driving with excessive blood alcohol content pursuant
10 to section 577.012, RSMo.

11 302.700. 1. Sections 302.700 to 302.780 may be cited as
12 the "Uniform Commercial Driver's License Act".

13 2. When used in sections 302.700 to 302.780, the following
14 words and phrases mean:

15 (1) "Alcohol", any substance containing any form of
16 alcohol, including, but not limited to, ethanol, methanol,
17 propanol and isopropanol;

18 (2) "Alcohol concentration", the number of grams of alcohol
19 per one hundred milliliters of blood or the number of grams of
20 alcohol per two hundred ten liters of breath or the number of
21 grams of alcohol per sixty-seven milliliters of urine;

22 (3) "Commercial driver's instruction permit", a permit
23 issued pursuant to section 302.720;

24 (4) "Commercial driver's license", a license issued by this
25 state to an individual which authorizes the individual to operate
26 a commercial motor vehicle;

27 (5) "Commercial driver's license information system", the
28 information system established pursuant to the Commercial Motor

1 Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) to
2 serve as a clearinghouse for locating information related to the
3 licensing and identification of commercial motor vehicle drivers;

4 (6) "Commercial motor vehicle", a motor vehicle designed or
5 used to transport passengers or property:

6 (a) If the vehicle has a gross combination weight rating of
7 twenty-six thousand one or more pounds inclusive of a towed unit
8 which has a gross vehicle weight rating of ten thousand one
9 pounds or more;

10 (b) If the vehicle has a gross vehicle weight rating of
11 twenty-six thousand one or more pounds or such lesser rating as
12 determined by federal regulation;

13 (c) If the vehicle is designed to transport sixteen or more
14 passengers, including the driver; or

15 (d) If the vehicle is transporting hazardous materials and
16 is required to be placarded under the Hazardous Materials
17 Transportation Act (46 U.S.C. 1801 et seq.);

18 (7) "Controlled substance", any substance so classified
19 under Section 102(6) of the Controlled Substances Act (21 U.S.C.
20 802(6)), and includes all substances listed in schedules I
21 through V of 21 CFR part 1308, as they may be revised from time
22 to time;

23 (8) "Conviction", an unvacated adjudication of guilt,
24 including pleas of guilt and nolo contendere, or a determination
25 that a person has violated or failed to comply with the law in a
26 court of original jurisdiction or an authorized administrative
27 proceeding, an unvacated forfeiture of bail or collateral
28 deposited to secure the person's appearance in court, the payment

1 of a fine or court cost, or violation of a condition of release
2 without bail, regardless of whether the penalty is rebated,
3 suspended or prorated, including an offense for failure to appear
4 or pay;

5 (9) "Director", the director of revenue or his authorized
6 representative;

7 (10) "Disqualification", any of the following three
8 actions:

9 (a) The suspension, revocation, or cancellation of a
10 commercial driver's license;

11 (b) Any withdrawal of a person's privileges to drive a
12 commercial motor vehicle by a state as the result of a violation
13 of federal, state, county, municipal, or local law relating to
14 motor vehicle traffic control or violations committed through the
15 operation of motor vehicles, other than parking, vehicle weight,
16 or vehicle defect violations;

17 (c) A determination by the Federal Motor Carrier Safety
18 Administration that a person is not qualified to operate a
19 commercial motor vehicle under 49 CFR Part 383.52 or Part 391;

20 (11) "Drive", to drive, operate or be in physical control
21 of a commercial motor vehicle;

22 (12) "Driver", any person who drives, operates, or is in
23 physical control of a motor vehicle, or who is required to hold a
24 commercial driver's license;

25 (13) "Driving under the influence of alcohol", the
26 commission of any one or more of the following acts:

27 (a) Driving a commercial motor vehicle with the alcohol
28 concentration of four one-hundredths of a percent or more as

1 prescribed by the secretary or such other alcohol concentration
2 as may be later determined by the secretary by regulation;

3 (b) Driving a commercial or noncommercial motor vehicle
4 while intoxicated in violation of any federal or state law, or in
5 violation of a county or municipal ordinance;

6 (c) Driving a commercial or noncommercial motor vehicle
7 with excessive blood alcohol content in violation of any federal
8 or state law, or in violation of a county or municipal ordinance;

9 (d) Refusing to submit to a chemical test in violation of
10 section 577.041, RSMo, section 302.750, any federal or state law,
11 or a county or municipal ordinance; or

12 (e) Having any state, county or municipal alcohol-related
13 enforcement contact, as defined in subsection 3 of section
14 302.525; provided that any suspension or revocation pursuant to
15 section 302.505, committed in a noncommercial motor vehicle by an
16 individual twenty-one years of age or older shall have been
17 committed by the person with an alcohol concentration of at least
18 eight-hundredths of one percent or more, or in the case of an
19 individual who is less than twenty-one years of age, shall have
20 been committed by the person with an alcohol concentration of at
21 least two-hundredths of one percent or more, and if committed in
22 a commercial motor vehicle, a concentration of four-hundredths of
23 one percent or more;

24 (14) "Driving under the influence of a controlled
25 substance", the commission of any one or more of the following
26 acts in a commercial or noncommercial motor vehicle:

27 (a) Driving a commercial or noncommercial motor vehicle
28 while under the influence of any substance so classified under

1 Section 102(6) of the Controlled Substances Act (21 U.S.C.
2 802(6)), including any substance listed in schedules I through V
3 of 21 CFR Part 1308, as they may be revised from time to time;

4 (b) Driving a commercial or noncommercial motor vehicle
5 while in a drugged condition in violation of any federal or state
6 law or in violation of a county or municipal ordinance; or

7 (c) Refusing to submit to a chemical test in violation of
8 section 577.041, RSMo, section 302.750, any federal or state law,
9 or a county or municipal ordinance;

10 (15) "Employer", any person, including the United States, a
11 state, or a political subdivision of a state, who owns or leases
12 a commercial motor vehicle or assigns a driver to operate such a
13 vehicle;

14 (16) "Farm vehicle", a commercial motor vehicle controlled
15 and operated by a farmer used exclusively for the transportation
16 of agricultural products, farm machinery, farm supplies, or a
17 combination of these, within one hundred fifty miles of the farm,
18 other than one which requires placarding for hazardous materials
19 as defined in this section, or used in the operation of a common
20 or contract motor carrier, except that a farm vehicle shall not
21 be a commercial motor vehicle when the total combined gross
22 weight rating does not exceed twenty-six thousand one pounds when
23 transporting fertilizers as defined in subdivision (21) of this
24 subsection;

25 (17) "Fatality", the death of a person as a result of a
26 motor vehicle accident;

27 (18) "Felony", any offense under state or federal law that
28 is punishable by death or imprisonment for a term exceeding one

1 year;

2 (19) "Gross combination weight rating" or "GCWR", the value
3 specified by the manufacturer as the loaded weight of a
4 combination (articulated) vehicle. In the absence of a value
5 specified by the manufacturer, GCWR will be determined by adding
6 the GVWR of the power unit and the total weight of the towed unit
7 and any load thereon;

8 (20) "Gross vehicle weight rating" or "GVWR", the value
9 specified by the manufacturer as the loaded weight of a single
10 vehicle;

11 (21) "Hazardous materials", [hazardous materials as
12 specified in Section 103 of the Hazardous Materials
13 Transportation Act (49 U.S.C. 1801 et seq.).] any material that
14 has been designated as hazardous under 49 U.S.C. 5103 and is
15 required to be placarded under subpart F of CFR part 172 or any
16 quantity of a material listed as a select agent or toxin in 42
17 CFR part 73. Fertilizers, including but not limited to ammonium
18 nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash,
19 motor fuel or special fuel, shall not be considered hazardous
20 materials when transported by a farm vehicle provided all other
21 provisions of this definition are followed;

22 (22) "Imminent hazard", the existence of a condition that
23 presents a substantial likelihood that death, serious illness,
24 severe personal injury, or a substantial endangerment to health,
25 property, or the environment may occur before the reasonably
26 foreseeable completion date of a formal proceeding begins to
27 lessen the risk of that death, illness, injury, or endangerment;

28 (23) "Issuance", the initial licensure, license transfers,

1 license renewals, and license upgrades;

2 (24) "Motor vehicle", any self-propelled vehicle not
3 operated exclusively upon tracks;

4 (25) "Noncommercial motor vehicle", a motor vehicle or
5 combination of motor vehicles not defined by the term "commercial
6 motor vehicle" in this section;

7 (26) "Out of service", a temporary prohibition against the
8 operation of a commercial motor vehicle by a particular driver,
9 or the operation of a particular commercial motor vehicle, or the
10 operation of a particular motor carrier;

11 (27) "Out-of-service order", a declaration by the Federal
12 Highway Administration, or any authorized enforcement officer of
13 a federal, state, Commonwealth of Puerto Rico, Canadian, Mexican
14 or any local jurisdiction, that a driver, or a commercial motor
15 vehicle, or a motor carrier operation, is out of service;

16 (28) "School bus", a commercial motor vehicle used to
17 transport preprimary, primary, or secondary school students from
18 home to school, from school to home, or to and from
19 school-sponsored events. School bus does not include a bus used
20 as a common carrier as defined by the Secretary;

21 (29) "Secretary", the Secretary of Transportation of the
22 United States;

23 (30) "Serious traffic violation", driving a commercial
24 motor vehicle in such a manner that the driver receives a
25 conviction for the following offenses or driving a noncommercial
26 motor vehicle when the driver receives a conviction for the
27 following offenses and the conviction results in the suspension
28 or revocation of the driver's license or noncommercial motor

1 vehicle driving privilege:

2 (a) Excessive speeding, as defined by the Secretary by
3 regulation;

4 (b) Careless, reckless or imprudent driving which includes,
5 but shall not be limited to, any violation of section 304.016,
6 RSMo, any violation of section 304.010, RSMo, or any other
7 violation of federal or state law, or any county or municipal
8 ordinance while driving a commercial motor vehicle in a willful
9 or wanton disregard for the safety of persons or property, or
10 improper or erratic traffic lane changes, or following the
11 vehicle ahead too closely, but shall not include careless and
12 imprudent driving by excessive speed;

13 (c) A violation of any federal or state law or county or
14 municipal ordinance regulating the operation of motor vehicles
15 arising out of an accident or collision which resulted in death
16 to any person, other than a parking violation;

17 (d) Driving a commercial motor vehicle without obtaining a
18 commercial driver's license in violation of any federal or state
19 or county or municipal ordinance;

20 (e) Driving a commercial motor vehicle without a commercial
21 driver's license in the driver's possession in violation of any
22 federal or state or county or municipal ordinance. Any
23 individual who provides proof to the court which has jurisdiction
24 over the issued citation that the individual held a valid
25 commercial driver's license on the date that the citation was
26 issued shall not be guilty of this offense;

27 (f) Driving a commercial motor vehicle without the proper
28 commercial driver's license class or endorsement for the specific

1 vehicle group being operated or for the passengers or type of
2 cargo being transported in violation of any federal or state law
3 or county or municipal ordinance; or

4 (g) Any other violation of a federal or state law or county
5 or municipal ordinance regulating the operation of motor
6 vehicles, other than a parking violation, as prescribed by the
7 secretary by regulation;

8 (31) "State", a state, territory or possession of the
9 United States, the District of Columbia, the Commonwealth of
10 Puerto Rico, Mexico, and any province of Canada;

11 (32) "United States", the fifty states and the District of
12 Columbia.

13 302.735. 1. An application shall not be taken from a
14 nonresident after September 30, 2005. The application for a
15 commercial driver's license shall include, but not be limited to,
16 the applicant's legal name, mailing and residence address, if
17 different, a physical description of the person, including sex,
18 height, weight and eye color, the person's Social Security
19 number, date of birth and any other information deemed
20 appropriate by the director. The application shall also require,
21 beginning September 30, 2005, the applicant to provide the names
22 of all states where the applicant has been previously licensed to
23 drive any type of motor vehicle during the preceding ten years.

24 2. A commercial driver's license shall expire on the
25 applicant's birthday in the sixth year after issuance, unless the
26 license must be issued for a shorter period due to other
27 requirements of law or for transition or staggering of work as
28 determined by the director, and must be renewed on or before the

1 date of expiration. When a person changes such person's name an
2 application for a duplicate license shall be made to the director
3 of revenue. When a person changes such person's mailing address
4 or residence the applicant shall notify the director of revenue
5 of said change, however, no application for a duplicate license
6 is required. A commercial license issued pursuant to this
7 section to an applicant less than twenty-one years of age and
8 seventy years of age and older shall expire on the applicant's
9 birthday in the third year after issuance, unless the license
10 must be issued for a shorter period as determined by the
11 director.

12 3. A commercial driver's license containing a hazardous
13 materials endorsement issued to an applicant who is between the
14 age of twenty-one and sixty-nine shall not be issued for a period
15 exceeding five years from the approval date of the security
16 threat assessment as determined by the Transportation Security
17 Administration.

18 4. The director shall issue an annual commercial driver's
19 license containing a school bus endorsement to an applicant who
20 is seventy years of age or older. The fee for such license shall
21 be seven dollars and fifty cents.

22 5. A commercial driver's license containing a hazardous
23 materials endorsement issued to an applicant who is seventy years
24 of age or older shall not be issued for a period exceeding three
25 years. The director shall not require such drivers to obtain a
26 security threat assessment more frequently than such assessment
27 is required by the Transportation Security Administration under
28 the Uniting and Strengthening America by Providing Appropriate

Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001.

(1) The state shall immediately revoke a hazardous materials endorsement upon receipt of an initial determination of threat assessment and immediate revocation from the Transportation Security Administration as defined by 49 CFR 1572.13(a).

(2) The state shall revoke or deny a hazardous materials endorsement within fifteen days of receipt of a final determination of threat assessment from the Transportation Security Administration as required by CFR 1572.13(a).

6. The fee for a commercial driver's license or renewal commercial driver's license issued for a period greater than three years shall be forty dollars.

7. The fee for a commercial driver's license or renewal commercial driver's license issued for a period of three years or less shall be twenty dollars.

8. The fee for a duplicate commercial driver's license shall be twenty dollars.

9. In order for the director to properly transition driver's license requirements under the Motor Carrier Safety Improvement Act of 1999 and the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, the director is authorized to stagger expiration dates and make adjustments for any fees, including driver examination fees that are incurred by the driver as a result of the initial issuance of a transitional license required to comply with such acts.

1 10. Within thirty days after moving to this state, the
2 holder of a commercial driver's license shall apply for a
3 commercial driver's license in this state. The applicant shall
4 meet all other requirements of sections 302.700 to 302.780,
5 except that the director may waive the driving test for a
6 commercial driver's license as required in section 302.720 if the
7 applicant for a commercial driver's license has a valid
8 commercial driver's license from a state which has requirements
9 for issuance of such license comparable to those in this state.

10 11. Any person who falsifies any information in an
11 application or test for a commercial driver's license shall not
12 be licensed to operate a commercial motor vehicle, or the
13 person's commercial driver's license shall be canceled, for a
14 period of one year after the director discovers such
15 falsification.

16 12. Beginning July 1, 2005, the director shall not issue a
17 commercial driver's license under this section unless the
18 director verifies that the applicant is lawfully present in the
19 United States before accepting the application. If lawful
20 presence is granted for a temporary period, no commercial
21 driver's license shall be issued. The director may, by rule or
22 regulation, establish procedures to verify the lawful presence of
23 the applicant and establish the duration of any commercial
24 driver's license issued under this section. No rule or portion
25 of a rule promulgated pursuant to the authority of this section
26 shall become effective unless it has been promulgated pursuant to
27 chapter 536, RSMo.

28 13. (1) Effective December 19, 2005, notwithstanding any

1 provisions of subsections 1 and 5 of this section to the
2 contrary, the director may issue a nonresident commercial
3 driver's license to a resident of a foreign jurisdiction if the
4 United States Secretary of Transportation has determined that the
5 commercial motor vehicle testing and licensing standards in the
6 foreign jurisdiction do not meet the testing standards
7 established in 49 C.F.R. Part 383.

8 (2) Any applicant for a nonresident commercial driver's
9 license must present evidence satisfactory to the director that
10 the applicant currently has employment with an employer in this
11 state. The nonresident applicant must meet the same testing,
12 driver record requirements, conditions, and is subject to the
13 same disqualification and conviction reporting requirements
14 applicable to resident commercial drivers.

15 (3) The nonresident commercial driver's license will expire
16 on the same date that the documents establishing lawful presence
17 for employment expire. The word "nonresident" shall appear on
18 the face of the nonresident commercial driver's license. Any
19 applicant for a Missouri nonresident commercial driver's license
20 must first surrender any nonresident commercial driver's license
21 issued by another state.

22 (4) The nonresident commercial driver's license applicant
23 must pay the same fees as required for the issuance of a resident
24 commercial driver's license.

25 14. Foreign jurisdiction for purposes of issuing a
26 nonresident commercial driver's license under this section shall
27 not include any of the fifty states of the United States or
28 Canada or Mexico.

1 302.755. 1. A person is disqualified from driving a
2 commercial motor vehicle for a period of not less than one year
3 if convicted of a first violation of:

4 (1) Driving a motor vehicle under the influence of alcohol
5 or a controlled substance, or of an alcohol-related enforcement
6 contact as defined in subsection 3 of section 302.525;

7 (2) Driving a commercial motor vehicle which causes a
8 fatality through the negligent operation of the commercial motor
9 vehicle, including but not limited to the crimes of vehicular
10 manslaughter, homicide by motor vehicle, and negligent homicide;

11 (3) Driving a commercial motor vehicle while revoked
12 pursuant to section 302.727;

13 (4) Leaving the scene of an accident involving a commercial
14 or noncommercial motor vehicle operated by the person;

15 (5) Using a commercial or noncommercial motor vehicle in
16 the commission of any felony, as defined in section 302.700,
17 except a felony as provided in subsection 4 of this section.

18 2. If any of the violations described in subsection 1 of
19 this section occur while transporting a hazardous material the
20 person is disqualified for a period of not less than three years.

21 3. Any person is disqualified from operating a commercial
22 motor vehicle for life if convicted of two or more violations of
23 any of the offenses specified in subsection 1 of this section, or
24 any combination of those offenses, arising from two or more
25 separate incidents. The director may issue rules and
26 regulations, in accordance with guidelines established by the
27 secretary, under which a disqualification for life under this
28 section may be reduced to a period of not less than ten years.

1 4. Any person is disqualified from driving a commercial
2 motor vehicle for life who uses a commercial or noncommercial
3 motor vehicle in the commission of any felony involving the
4 manufacture, distribution, or dispensing of a controlled
5 substance, or possession with intent to manufacture, distribute,
6 or dispense a controlled substance.

7 5. Any person is disqualified from operating a commercial
8 motor vehicle for a period of not less than sixty days if
9 convicted of two serious traffic violations or one hundred twenty
10 days if convicted of three serious traffic violations, arising
11 from separate incidents occurring within a three-year period.

12 6. Any person found to be operating a commercial motor
13 vehicle while having any measurable alcohol concentration shall
14 immediately be issued a continuous twenty-four-hour
15 out-of-service order by a law enforcement officer in this state.

16 7. Any person who is convicted of operating a commercial
17 motor vehicle beginning at the time of issuance of the
18 out-of-service order until its expiration is guilty of a class A
19 misdemeanor.

20 8. Any person convicted for the first time of driving while
21 out of service shall be disqualified from driving a commercial
22 motor vehicle [for a period of ninety days] in the manner
23 prescribed in 49 CFR Part 383, or as amended by the Secretary.

24 9. Any person convicted of driving while out of service on
25 a second occasion during any ten-year period, involving separate
26 incidents, shall be disqualified [for a period of one year] in
27 the manner prescribed in 49 CFR Part 383, or as amended by the
28 Secretary.

1 10. Any person convicted of driving while out of service on
2 a third or subsequent occasion during any ten-year period,
3 involving separate incidents, shall be disqualified for a period
4 of three years.

5 11. Any person convicted of a first violation of an
6 out-of-service order while transporting hazardous materials or
7 while operating a motor vehicle designed to transport sixteen or
8 more passengers, including the driver, is disqualified for a
9 period of one hundred eighty days.

10 12. Any person convicted of any subsequent violation of an
11 out-of-service order in a separate incident within ten years
12 after a previous violation, while transporting hazardous
13 materials or while operating a motor vehicle designed to
14 transport fifteen passengers, including the driver, is
15 disqualified for a period of three years.

16 13. Any person convicted of any other offense as specified
17 by regulations promulgated by the Secretary of Transportation
18 shall be disqualified in accordance with such regulations.

19 14. After suspending, revoking, canceling or disqualifying
20 a driver, the director shall update records to reflect such
21 action and notify a nonresident's licensing authority and the
22 commercial driver's license information system within ten days in
23 the manner prescribed in 49 CFR Part 384, or as amended by the
24 Secretary.

25 15. Any person disqualified from operating a commercial
26 motor vehicle pursuant to subsection 1, 2, 3 or 4 of this section
27 shall have such commercial driver's license canceled, and upon
28 conclusion of the period of disqualification shall take the

1 written and driving tests and meet all other requirements of
2 sections 302.700 to 302.780. Such disqualification and
3 cancellation shall not be withdrawn by the director until such
4 person reapplies for a commercial driver's license in this or any
5 other state after meeting all requirements of sections 302.700 to
6 302.780.

7 16. The director shall disqualify a driver upon receipt of
8 notification that the Secretary has determined a driver to be an
9 imminent hazard pursuant to 49 CFR, Part 383.52. Due process of
10 a disqualification determined by the Secretary pursuant to this
11 section shall be held in accordance with regulations promulgated
12 by the Secretary. The period of disqualification determined by
13 the Secretary pursuant to this section shall be served
14 concurrently to any other period of disqualification which may be
15 imposed by the director pursuant to this section. Both
16 disqualifications shall appear on the driving record of the
17 driver.

18 17. The director shall disqualify a commercial license
19 holder or operator of a commercial vehicle from operation of any
20 commercial motor vehicle upon receipt of a conviction for an
21 offense of failure to appear or pay, and such disqualification
22 shall remain in effect until the director receives notice that
23 the person has complied with the requirement to appear or pay.

24 302.775. The provisions of sections 302.700 to 302.780
25 shall not apply to:

26 (1) Any person driving a farm vehicle as defined in section
27 302.700 which is:

28 (a) Controlled and operated by a farmer, including

1 operation by employees or family members;

2 (b) Used to transport agricultural products, farm
3 machinery, farm supplies, or both, to or from a farm;

4 (c) Not used in the operations of a common or contract
5 motor carrier; and

6 (d) Used within two hundred forty-one kilometers or one
7 hundred fifty miles of the farmer's farm;

8 (2) Any active duty military personnel, members of the
9 reserves and national guard on active duty, including personnel
10 on full-time national guard duty, personnel on part-time training
11 and national guard military technicians, while driving [military]
12 vehicles for military purposes;

13 (3) Any person who drives emergency or fire equipment
14 necessary to the preservation of life or property or the
15 execution of emergency governmental functions under emergency
16 conditions;

17 (4) Any person qualified to operate the equipment under
18 subdivision (3) of this section when operating such equipment in
19 other functions such as parades, special events, repair, service
20 or other authorized movements;

21 (5) Any person driving or pulling a recreational vehicle,
22 as defined in sections 301.010 and 700.010, RSMo, for personal
23 use; and

24 (6) Any other class of persons exempted by rule or
25 regulation of the director, which rule or regulation is in
26 compliance with the Commercial Motor Vehicle Safety Act of 1986
27 and any amendments or regulations drafted to that act.

28 304.155. 1. Any law enforcement officer within the

1 officer's jurisdiction, or an officer of a government agency
2 where that agency's real property is concerned, may authorize a
3 towing company to remove to a place of safety:

4 (1) Any abandoned property on the right-of-way of:

5 (a) Any interstate highway or freeway in an urbanized area,
6 left unattended for ten hours, or immediately if a law
7 enforcement officer determines that the abandoned property is a
8 serious hazard to other motorists, provided that commercial motor
9 vehicles not hauling materials designated as hazardous under 49
10 U.S.C. 5103(a) may only be removed under this subdivision to a
11 place of safety until the owner or owner's representative has had
12 a reasonable opportunity to contact a towing company of choice;

13 (b) Any interstate highway or freeway outside of an
14 urbanized area, left unattended for ~~forty-eight~~ twenty-four
15 hours, or after four hours if a law enforcement officer
16 determines that the abandoned property is a serious hazard to
17 other motorists, provided that commercial motor vehicles not
18 hauling materials designated as hazardous under 49 U.S.C. 5103(a)
19 may only be removed under this subdivision to a place of safety
20 until the owner or owner's representative has had a reasonable
21 opportunity to contact a towing company of choice;

22 (c) Any state highway other than an interstate highway or
23 freeway in an urbanized area, left unattended for more than ten
24 hours; or

25 (d) Any state highway other than an interstate highway or
26 freeway outside of an urbanized area, left unattended for more
27 than ~~forty-eight~~ twenty-four hours; provided that commercial
28 motor vehicles not hauling waste designated as hazardous under 49

1 U.S.C. 5103(a) may only be removed under this subdivision to a
2 place of safety until the owner or owner's representative has had
3 a reasonable opportunity to contact a towing company of choice;

4 (2) Any unattended abandoned property illegally left
5 standing upon any highway or bridge if the abandoned property is
6 left in a position or under such circumstances as to obstruct the
7 normal movement of traffic where there is no reasonable
8 indication that the person in control of the property is
9 arranging for its immediate control or removal;

10 (3) Any abandoned property which has been abandoned under
11 section 577.080, RSMo;

12 (4) Any abandoned property which has been reported as
13 stolen or taken without consent of the owner;

14 (5) Any abandoned property for which the person operating
15 such property is arrested for an alleged offense for which the
16 officer [is required to take] takes the person into custody and
17 where such person is unable to arrange for the property's timely
18 removal;

19 (6) Any abandoned property which due to any other state law
20 or local ordinance is subject to towing because of the owner's
21 outstanding traffic or parking violations;

22 (7) Any abandoned property left unattended in violation of
23 a state law or local ordinance where signs have been posted
24 giving notice of the law or where the violation causes a safety
25 hazard; [or]

26 (8) Any abandoned property illegally left standing on the
27 waters of this state as defined in section 306.010, RSMo, where
28 the abandoned property is obstructing the normal movement of

1 traffic, or where the abandoned property has been unattended for
2 more than ten hours or is floating loose on the water; or

3 (9) Any abandoned property for which the person operating
4 such property or vehicle eludes arrest for an alleged offense for
5 which the officer would have taken the offender into custody.

6 2. The [state transportation] department of transportation
7 or any law enforcement officer within the officer's jurisdiction
8 may immediately remove any abandoned, unattended, wrecked, burned
9 or partially dismantled property, spilled cargo or other personal
10 property from the [roadway] right of way of any interstate
11 highway, freeway, or state highway if the abandoned property,
12 cargo or personal property is creating a traffic hazard because
13 of its position in relation to the interstate highway, freeway,
14 or state highway. In the event the property creating a traffic
15 hazard is a commercial motor vehicle, as defined in section
16 302.700, RSMo, the department's authority under this subsection
17 shall be limited to authorizing a towing company to remove the
18 commercial motor vehicle to a place of safety, except that the
19 owner of the commercial motor vehicle or the owner's designated
20 representative shall have a reasonable opportunity to contact a
21 towing company of choice. The provisions of this subsection
22 shall not apply to vehicles transporting any material which has
23 been designated as hazardous under Section 5103(a) of Title 49,
24 U.S.C.

25 3. Any law enforcement agency authorizing a tow pursuant to
26 this section in which the abandoned property is moved from the
27 immediate vicinity shall complete a crime inquiry and inspection
28 report. Any state or federal government agency other than a law

1 enforcement agency authorizing a tow pursuant to this section in
2 which the abandoned property is moved away from the immediate
3 vicinity in which it was abandoned shall report the towing to the
4 state highway patrol or water patrol within two hours of the tow
5 along with a crime inquiry and inspection report as required in
6 this section. Any local government agency, other than a law
7 enforcement agency, authorizing a tow pursuant to this section
8 where property is towed away from the immediate vicinity shall
9 report the tow to the local law enforcement agency within two
10 hours along with a crime inquiry and inspection report.

11 4. Neither the law enforcement officer, government agency
12 official nor anyone having custody of abandoned property under
13 his direction shall be liable for any damage to such abandoned
14 property occasioned by a removal authorized by this section or by
15 ordinance of a county or municipality licensing and regulating
16 the sale of abandoned property by the municipality, other than
17 damages occasioned by negligence or by willful or wanton acts or
18 omissions.

19 5. The owner of abandoned property removed as provided in
20 this section or in section 304.157 shall be responsible for
21 payment of all reasonable charges for towing and storage of such
22 abandoned property as provided in section 304.158.

23 6. Upon the towing of any abandoned property pursuant to
24 this section or under authority of a law enforcement officer or
25 local government agency pursuant to section 304.157, the law
26 enforcement agency that authorized such towing or was properly
27 notified by another government agency of such towing shall
28 promptly make an inquiry with the national crime information

1 center and any statewide Missouri law enforcement computer system
2 to determine if the abandoned property has been reported as
3 stolen and shall enter the information pertaining to the towed
4 property into the statewide law enforcement computer system. If
5 the abandoned property is not claimed within ten working days of
6 the towing, the tower who has online access to the department of
7 revenue's records shall make an inquiry to determine the
8 abandoned property owner and lienholder, if any, of record. In
9 the event that the records of the department of revenue fail to
10 disclose the name of the owner or any lienholder of record, the
11 tower shall comply with the requirements of subsection 3 of
12 section 304.156. If the tower does not have online access, the
13 law enforcement agency shall submit a crime inquiry and
14 inspection report to the director of revenue. A towing company
15 that does not have online access to the department's records and
16 that is in possession of abandoned property after ten working
17 days shall report such fact to the law enforcement agency with
18 which the crime inquiry and inspection report was filed. The
19 crime inquiry and inspection report shall be designed by the
20 director of revenue and shall include the following:

21 (1) The year, model, make and property identification
22 number of the property and the owner and any lienholders, if
23 known;

24 (2) A description of any damage to the property noted by
25 the officer authorizing the tow;

26 (3) The license plate or registration number and the state
27 of issuance, if available;

28 (4) The storage location of the towed property;

1 (5) The name, telephone number and address of the towing
2 company;

3 (6) The date, place and reason for the towing of the
4 abandoned property;

5 (7) The date of the inquiry of the national crime
6 information center, any statewide Missouri law enforcement
7 computer system and any other similar system which has titling
8 and registration information to determine if the abandoned
9 property had been stolen. This information shall be entered only
10 by the law enforcement agency making the inquiry;

11 (8) The signature and printed name of the officer
12 authorizing the tow; [and]

13 (9) The name of the towing company, the signature and
14 printed name of the towing operator, and an indicator disclosing
15 whether the tower has online access to the department's records;
16 and

17 (10) Any additional information the director of revenue
18 deems appropriate.

19 7. One copy of the crime inquiry and inspection report
20 shall remain with the agency which authorized the tow. One copy
21 shall be provided to and retained by the storage facility and one
22 copy shall be retained by the towing facility in an accessible
23 format in the business records for a period of three years from
24 the date of the tow or removal.

25 8. The owner of such abandoned property, or the holder of a
26 valid security interest of record, may reclaim it from the towing
27 company upon proof of ownership or valid security interest of
28 record and payment of all reasonable charges for the towing and

1 storage of the abandoned property.

2 9. Any person who removes abandoned property at the
3 direction of a law enforcement officer or an officer of a
4 government agency where that agency's real property is concerned
5 as provided in this section shall have a lien for all reasonable
6 charges for the towing and storage of the abandoned property
7 until possession of the abandoned property is voluntarily
8 relinquished to the owner of the abandoned property or to the
9 holder of a valid security interest of record. Any personal
10 property within the abandoned property need not be released to
11 the owner thereof until the reasonable or agreed charges for such
12 recovery, transportation or safekeeping have been paid or
13 satisfactory arrangements for payment have been made, except that
14 any medication prescribed by a physician shall be released to the
15 owner thereof upon request. The company holding or storing the
16 abandoned property shall either release the personal property to
17 the owner of the abandoned property or allow the owner to inspect
18 the property and provide an itemized receipt for the contents.
19 The company holding or storing the property shall be strictly
20 liable for the condition and safe return of the personal
21 property. Such lien shall be enforced in the manner provided
22 under section 304.156.

23 10. Towing companies shall keep a record for three years on
24 any abandoned property towed and not reclaimed by the owner of
25 the abandoned property. Such record shall contain information
26 regarding the authorization to tow, copies of all correspondence
27 with the department of revenue concerning the abandoned property,
28 including copies of any online records of the towing company

1 accessed and information concerning the final disposition of the
2 possession of the abandoned property.

3 11. If a lienholder repossesses any motor vehicle, trailer,
4 all-terrain vehicle, outboard motor or vessel without the
5 knowledge or cooperation of the owner, then the reposessor shall
6 notify the local law enforcement agency where the repossession
7 occurred within two hours of the repossession and shall further
8 provide the local law enforcement agency with any additional
9 information the agency deems appropriate. The local law
10 enforcement agency shall make an inquiry with the national crime
11 information center and the Missouri statewide law enforcement
12 computer system and shall enter the repossessed vehicle into the
13 statewide law enforcement computer system.

14 12. Notwithstanding the provisions of section 301.227,
15 RSMo, any towing company who has complied with the notification
16 provisions in section 304.156 including notice that any property
17 remaining unredeemed after thirty days may be sold as scrap
18 property may then dispose of such property as provided in this
19 subsection. Such sale shall only occur if at least thirty days
20 has passed since the date of such notification, the abandoned
21 property remains unredeemed with no satisfactory arrangements
22 made with the towing company for continued storage, and the owner
23 or holder of a security agreement has not requested a hearing as
24 provided in section 304.156. The towing company may dispose of
25 such abandoned property by selling the property on a bill of sale
26 as prescribed by the director of revenue to a scrap metal
27 operator or licensed salvage dealer for destruction purposes
28 only. The towing company shall forward a copy of the bill of

1 sale provided by the scrap metal operator or licensed salvage
2 dealer to the director of revenue within two weeks of the date of
3 such sale. The towing company shall keep a record of each such
4 vehicle sold for destruction for three years that shall be
5 available for inspection by law enforcement and authorized
6 department of revenue officials. The record shall contain the
7 year, make, identification number of the property, date of sale,
8 and name of the purchasing scrap metal operator or licensed
9 salvage dealer and copies of all notifications issued by the
10 towing company as required in this chapter. Scrap metal
11 operators or licensed salvage dealers shall keep a record of the
12 purchase of such property as provided in section 301.227, RSMo.
13 Scrap metal operators and licensed salvage dealers may obtain a
14 junk certificate as provided in section 301.227, RSMo, on
15 vehicles purchased on a bill of sale pursuant to this section.

16 304.170. 1. No vehicle operated upon the highways of this
17 state shall have a width, including load, in excess of one
18 hundred two inches, except clearance lights, rearview mirrors or
19 other accessories required by federal, state or city law or
20 regulation. Provided however, a recreational vehicle as defined
21 in section 700.010, RSMo, may exceed the foregoing width limits
22 if the appurtenances on such recreational vehicle extend no
23 further than the rearview mirrors. Such mirrors may only extend
24 the distance necessary to provide the required field of view
25 before the appurtenances were attached.

26 2. No vehicle operated upon the interstate highway system
27 or upon any route designated by the chief engineer of the state
28 transportation department shall have a height, including load, in

1 excess of fourteen feet. On all other highways, no vehicle shall
2 have a height, including load, in excess of thirteen and one-half
3 feet, except that any vehicle or combination of vehicles
4 transporting automobiles or other motor vehicles may have a
5 height, including load, of not more than fourteen feet.

6 3. No single motor vehicle operated upon the highways of
7 this state shall have a length, including load, in excess of
8 forty-five feet, except as otherwise provided in this section.

9 4. No bus, recreational motor vehicle or trackless trolley
10 coach operated upon the highways of this state shall have a
11 length in excess of forty-five feet, except that such vehicles
12 may exceed the forty-five feet length when such excess length is
13 caused by the projection of a front safety bumper or a rear
14 safety bumper or both. Such safety bumper shall not cause the
15 length of the bus or recreational motor vehicle to exceed the
16 forty-five feet length limit by more than one foot in the front
17 and one foot in the rear. The term "safety bumper" means any
18 device which may be fitted on an existing bumper or which
19 replaces the bumper and is so constructed, treated, or
20 manufactured that it absorbs energy upon impact.

21 5. No combination of truck-tractor and semitrailer or
22 truck-tractor equipped with dromedary and semitrailer operated
23 upon the highways of this state shall have a length, including
24 load, in excess of sixty feet; except that in order to comply
25 with the provisions of Title 23 of the United States Code (Public
26 Law 97-424), no combination of truck-tractor and semitrailer or
27 truck-tractor equipped with dromedary and semitrailer operated
28 upon the interstate highway system of this state shall have an

1 overall length, including load, in excess of the length of the
2 truck-tractor plus the semitrailer or truck-tractor equipped with
3 dromedary and semitrailer. The length of such semitrailer shall
4 not exceed fifty-three feet.

5 6. In order to comply with the provisions of Title 23 of
6 the United States Code (Public Law 97-424), no combination of
7 truck-tractor, semitrailer and trailer operated upon the
8 interstate highway system of this state shall have an overall
9 length, including load, in excess of the length of the
10 truck-tractor plus the semitrailer and trailer, neither of which
11 semitrailer or trailer shall exceed twenty-eight feet in length,
12 except that any existing semitrailer or trailer up to
13 twenty-eight and one-half feet in length actually and lawfully
14 operated on December 1, 1982, within a sixty-five foot overall
15 length limit in any state, may continue to be operated upon the
16 interstate highways of this state. On those primary highways not
17 designated by the state highways and transportation commission as
18 provided in subsection 10 of this section, no combination of
19 truck-tractor, semitrailer and trailer shall have an overall
20 length, including load, in excess of sixty-five feet; provided,
21 however, the state highways and transportation commission may
22 designate additional routes for such sixty-five foot
23 combinations.

24 7. Automobile transporters, boat transporters,
25 truck-trailer boat transporter combinations, stinger-steered
26 combination automobile transporters and stinger-steered
27 combination boat transporters having a length not in excess of
28 seventy-five feet may be operated on the interstate highways of

1 this state and such other highways as may be designated by the
2 highways and transportation commission for the operation of such
3 vehicles plus a distance not to exceed ten miles from such
4 interstate or designated highway. All length provisions
5 regarding automobile or boat transporters, truck-trailer boat
6 transporter combinations and stinger-steered combinations shall
7 include a semitrailer length not to exceed fifty-three feet and
8 are exclusive of front and rear overhang, which shall be no
9 greater than a three-foot front overhang and no greater than a
10 four-foot rear overhang.

11 8. Driveaway saddlemount combinations having a length not
12 in excess of ninety-seven feet may be operated on the interstate
13 highways of this state and such other highways as may be
14 designated by the highways and transportation commission for the
15 operation of such vehicles plus a distance not to exceed ten
16 miles from such interstate or designated highway. Saddlemount
17 combinations must comply with the safety requirements of Section
18 393.71 of Title 49 of the Code of Federal Regulations and may
19 contain no more than three saddlemounted vehicles and one
20 fullmount.

21 9. No truck-tractor semitrailer-semitrailer combination
22 vehicles operated upon the interstate and designated primary
23 highway system of this state shall have a semitrailer length in
24 excess of twenty-eight feet or twenty-eight and one-half feet if
25 the semitrailer was in actual and lawful operation in any state
26 on December 1, 1982, operating in a truck-tractor
27 semitrailer-semitrailer combination. The B-train assembly is
28 excluded from the measurement of semitrailer length when used

1 between the first and second semitrailer of a truck-tractor
2 semitrailer-semitrailer combination, except that when there is no
3 semitrailer mounted to the B-train assembly, it shall be included
4 in the length measurement of the semitrailer.

5 10. The highways and transportation commission is
6 authorized to designate routes on the state highway system other
7 than the interstate system over which those combinations of
8 vehicles of the lengths specified in subsections 5, 6, 7, 8 and 9
9 of this section may be operated. Combinations of vehicles
10 operated under the provisions of subsections 5, 6, 7, 8 and 9 of
11 this section may be operated at a distance not to exceed ten
12 miles from the interstate system and such routes as designated
13 under the provisions of this subsection.

14 11. Except as provided in subsections 5, 6, 7, 8, 9 and 10
15 of this section, no other combination of vehicles operated upon
16 the primary or interstate highways of this state plus a distance
17 of ten miles from a primary or interstate highway shall have an
18 overall length, unladen or with load, in excess of sixty-five
19 feet or in excess of fifty-five feet on any other highway, except
20 the state highways and transportation commission may designate
21 additional routes for use by sixty-five foot combinations,
22 seventy-five foot stinger-steered combinations or seventy-five
23 foot saddlemount combinations. Any vehicle or combination of
24 vehicles transporting automobiles, boats or other motor vehicles
25 may carry a load which extends no more than three feet beyond the
26 front and four feet beyond the rear of the transporting vehicle
27 or combination of vehicles.

28 12. (1) Except as hereinafter provided, these restrictions

1 shall not apply to agricultural implements operating occasionally
2 on the highways for short distances[,]
3 including tractor parades
4 for fund-raising activities or special events, provided the
5 tractors are driven by licensed drivers during daylight hours
6 only and with the approval of the superintendent of the Missouri
7 state highway patrol; or to self-propelled hay-hauling equipment
8 or to implements of husbandry, or to the movement of farm
9 products as defined in section [400.9-109] 400.9-102, RSMo, or to
10 vehicles temporarily transporting agricultural implements or
11 implements of husbandry or roadmaking machinery, or road
12 materials or towing for repair purposes vehicles that have become
13 disabled upon the highways; or to implement dealers delivering or
14 moving farm machinery for repairs on any state highway other than
the interstate system.

15 (2) Implements of husbandry and vehicles transporting such
16 machinery or equipment and the movement of farm products as
17 defined in section 400.9.109, RSMo, may be operated occasionally
18 for short distances on state highways when operated between the
19 hours of sunrise and sunset by a driver licensed as an operator
20 or chauffeur.

21 13. As used in this chapter the term "implements of
22 husbandry" means all self-propelled machinery operated at speeds
23 of less than thirty miles per hour, specifically designed for, or
24 especially adapted to be capable of, incidental over-the-road and
25 primary offroad usage and used exclusively for the application of
26 commercial plant food materials or agricultural chemicals, and
27 not specifically designed or intended for transportation of such
28 chemicals and materials.

1 14. Sludge disposal units may be operated on all state
2 highways other than the interstate system. Such units shall not
3 exceed one hundred thirty-eight inches in width and may be
4 equipped with over-width tires. Such units shall observe all
5 axle weight limits. The chief engineer of the state
6 transportation department shall issue special permits for the
7 movement of such disposal units and may by such permits restrict
8 the movements to specified routes, days and hours.

9 304.260. Farm tractors when using the highways in traveling
10 from one field or farm to another, or to or from places of
11 delivery or repair, or when participating in activities or events
12 permitted under subsection 12 of section 304.170 are exempt from
13 the provisions of the law relating to registration and display of
14 number plates, but shall comply with all the other provisions
15 hereof. The state highways and transportation commission shall
16 have the power and authority to prescribe the type of road upon
17 which such tractors may be used and may exclude the use of such
18 tractors or the use of trucks of any particular weight from the
19 use of certain designated roads or types of roads, by the posting
20 of signs along or upon such roads or any part thereof.

21 304.285. Any person operating a motorcycle or bicycle who
22 violates the provisions of section 304.281 or section 304.301 by
23 entering or crossing an intersection controlled by a traffic
24 control signal against a red light shall have an affirmative
25 defense to that charge if the person establishes all of the
26 following conditions:

27 (1) The motorcycle or bicycle has been brought to a
28 complete stop;

1 (2) The traffic control signal continues to show a red
2 light for an unreasonable time;

3 (3) The traffic control is apparently malfunctioning or, if
4 programmed or engineered to change to a green light only after
5 detecting the approach of a motor vehicle, the signal has
6 apparently failed to detect the arrival of the motorcycle; and

7 (4) No motor vehicle or person is approaching on the street
8 or highway to be crossed or entered or is so far away from the
9 intersection that it does not constitute an immediate hazard.

10 The affirmative defense of this section applies only to a
11 violation for entering or crossing an intersection controlled by
12 a traffic control signal against a red light and does not provide
13 a defense to any other civil or criminal action.

14 307.010. 1. All motor vehicles, and every trailer and
15 semitrailer operating upon the public highways of this state and
16 carrying goods or material or farm products which may reasonably
17 be expected to become dislodged and fall from the vehicle,
18 trailer or semitrailer as a result of wind pressure or air
19 pressure and/or by the movement of the vehicle, trailer or
20 semitrailer shall have a protective cover or be sufficiently
21 secured so that no portion of such goods or material can become
22 dislodged and fall from the vehicle, trailer or semitrailer while
23 being transported or carried.

24 2. Operation of a motor vehicle, trailer or semitrailer in
25 violation of this section shall be [a class C misdemeanor] an
26 infraction, and any person [convicted] who pleads or is found
27 guilty thereof shall be punished as provided by law.

28 307.015. 1. Trucks, semitrailers, and trailers, except

1 utility trailers, without rear fenders, attached to a commercial
2 motor vehicle registered for over twenty-four thousand pounds
3 shall be equipped with mud flaps for the rear wheels when
4 operated on the public highways of this state. If mud flaps are
5 used, they shall be wide enough to cover the full tread width of
6 the tire or tires being protected; shall be so installed that
7 they extend from the underside of the vehicle body in a vertical
8 plane behind the rear wheels to within eight inches of the
9 ground; and shall be constructed of a rigid material or a
10 flexible material which is of a sufficiently rigid character to
11 provide adequate protection when the vehicle is in motion. No
12 provisions of this section shall apply to a motor vehicle in
13 transit and in process of delivery equipped with temporary mud
14 flaps, to farm implements, or to any vehicle which is not
15 required to be registered.

16 2. Any person who violates this section is guilty of [a
17 class B misdemeanor] an infraction and, upon [conviction] plea or
18 finding of guilt, shall be punished as provided by law.

19 307.090. 1. Any motor vehicle may be equipped with not to
20 exceed one spotlight but every lighted spotlight shall be so aimed
21 and used so as not to be dazzling or glaring to any person.

22 2. Notwithstanding the provisions of section 307.120,
23 violation of this section is [a class C misdemeanor] an
24 infraction.

25 307.120. Any person violating any of the provisions of
26 sections 307.020 to 307.120 shall, upon conviction thereof, be
27 deemed guilty of [a misdemeanor] an infraction. The term
28 "person" as used in sections 307.020 to 307.120 shall mean and

1 include any individual, association, joint stock company,
2 copartnership or corporation.

3 307.125. 1. Any person who shall place or drive or cause
4 to be placed or driven upon or along any state or supplementary
5 state highway of this state any animal-driven vehicle whatsoever,
6 whether in motion or at rest, shall after sunset to one-half hour
7 before sunrise have attached to every such vehicle at the rear
8 thereof a red taillight or a red reflecting device of not less
9 than three inches in diameter of effective area or its equivalent
10 in area. When such device shall consist of reflecting buttons
11 there shall be no less than seven of such buttons covering an
12 area equal to a circle with a three-inch diameter. The total
13 subtended effective angle of reflection of every such device
14 shall be no less than sixty degrees and the spread and efficiency
15 of the reflected light shall be sufficient for the reflected
16 light to be visible to the driver of any motor vehicle
17 approaching such animal-drawn vehicle from the rear of a distance
18 of not less than five hundred feet.

19 2. In addition, any person who operates any such
20 animal-driven vehicle during the hours between sunset and
21 one-half hour before sunrise shall have at least one light
22 flashing at all times the vehicle is on any highway of this
23 state. Such light or lights shall be amber in the front and red
24 in the back and shall be placed on the left side of the vehicle
25 at a height of no more than six feet from the ground and shall be
26 visible from the front and the back of the vehicle at a distance
27 of at least five hundred feet. Any person violating the
28 provisions of this section shall be guilty of [a class C

1 misdemeanor] an infraction.

2 3. Any person operating an animal-driven vehicle during the
3 hours between sunset and one-half hour before sunrise may, in
4 lieu of the requirements of subsection 2 of this section, use
5 lamps or lanterns complying with the rules promulgated by the
6 director of the department of public safety.

7 4. Any rule or portion of a rule, as that term is defined
8 in section 536.010, RSMo, that is created under the authority
9 delegated in this section shall become effective only if it
10 complies with and is subject to all of the provisions of chapter
11 536, RSMo, and, if applicable, section 536.028, RSMo. This
12 section and chapter 536, RSMo, are nonseverable and if any of the
13 powers vested with the general assembly pursuant to chapter 536,
14 RSMo, to review, to delay the effective date, or to disapprove
15 and annul a rule are subsequently held unconstitutional, then the
16 grant of rulemaking authority and any rule proposed or adopted
17 after August 28, 2004, shall be invalid and void.

18 307.155. Any person violating any of the provisions of
19 sections 307.130 to 307.160 shall be deemed guilty of [a class C
20 misdemeanor] an infraction and shall be punished by a fine of not
21 to exceed fifty dollars for each offense.

22 307.172. 1. No person shall operate any passenger motor
23 vehicle upon the public streets or highways of this state, the
24 body of which has been altered in such a manner that the front or
25 rear of the vehicle is raised at such an angle as to obstruct the
26 vision of the operator of the street or highway in front or to
27 the rear of the vehicle.

28 2. Every motor vehicle which is licensed in this state and

operated upon the public streets or highways of this state shall be equipped with front and rear bumpers if such vehicle was equipped with bumpers as standard equipment. This subsection shall not apply to motor vehicles designed or modified primarily for off-highway purposes while such vehicles are in tow or to motorcycles or motor-driven cycles, or to motor vehicles registered as historic motor vehicles when the original design of such vehicles did not include bumpers nor shall the provisions of this subsection prohibit the use of drop bumpers. The superintendent of the Missouri state highway patrol shall adopt rules and regulations relating to bumper standards. Maximum bumper heights of both the front and rear bumpers of motor vehicles shall be determined by weight category of gross vehicle weight rating (GVWR) measured from a level surface to the highest point of the bottom of the bumper when the vehicle is unloaded and the tires are inflated to the manufacturer's recommended pressure. Maximum bumper heights are as follows:

	Maximum front bumper height	Maximum rear bumper height
Motor vehicles except commercial motor vehicles	22 inches	22 inches
Commercial motor vehicles (GVWR)		
4,500 lbs and under	24 inches	26 inches
4,501 lbs through 7,500 lbs	27 inches	29 inches
7,501 lbs through		

1	9,000 lbs	28 inches	30 inches
2	9,001 lbs through		
3	11,500 lbs	29 inches	31 inches

4 3. A motor vehicle in violation of this section shall not
5 be approved during any motor vehicle safety inspection required
6 pursuant to sections 307.350 to 307.390.

7 4. Any person knowingly violating the provisions of this
8 section is guilty of [a class C misdemeanor] an infraction.

9 307.173. 1. Any person may operate a motor vehicle with
10 front sidewing vents or windows located immediately to the left
11 and right of the driver that have a sun screening device, in
12 conjunction with safety glazing material, that has a light
13 transmission of thirty-five percent or more plus or minus three
14 percent and a luminous reflectance of thirty-five percent or less
15 plus or minus three percent. Except as provided in subsection 5
16 of this section, any sun screening device applied to front
17 sidewing vents or windows located immediately to the left and
18 right of the driver in excess of the requirements of this section
19 shall be prohibited without a permit pursuant to a physician's
20 prescription as described below. A permit to operate a motor
21 vehicle with front sidewing vents or windows located immediately
22 to the left and right of the driver that have a sun screening
23 device, in conjunction with safety glazing material, which
24 permits less light transmission and luminous reflectance than
25 allowed under the requirements of this subsection, may be issued
26 by the department of public safety to a person having a serious
27 medical condition which requires the use of a sun screening
28 device if the permittee's physician prescribes its use. The

1 director of the department of public safety shall promulgate
2 rules and regulations for the issuance of the permit. The permit
3 shall allow operation of the vehicle by any titleholder or
4 relative within the second degree by consanguinity or affinity,
5 which shall mean a spouse, each grandparent, parent, brother,
6 sister, niece, nephew, aunt, uncle, child, and grandchild of a
7 person, who resides in the household. Except as provided in
8 subsection 2 of this section, all sun screening devices applied
9 to the windshield of a motor vehicle are prohibited.

10 2. This section shall not prohibit labels, stickers,
11 decalcomania, or informational signs on motor vehicles or the
12 application of tinted or solar screening material to recreational
13 vehicles as defined in section 700.010, RSMo, provided that such
14 material does not interfere with the driver's normal view of the
15 road. This section shall not prohibit factory-installed tinted
16 glass, the equivalent replacement thereof or tinting material
17 applied to the upper portion of the motor vehicle's windshield
18 which is normally tinted by the manufacturer of motor vehicle
19 safety glass.

20 3. Any rule or portion of a rule, as that term is defined
21 in section 536.010, RSMo, that is created under the authority
22 delegated in this section shall become effective only if it
23 complies with and is subject to all of the provisions of chapter
24 536, RSMo, and, if applicable, section 536.028, RSMo. This
25 section and chapter 536, RSMo, are nonseverable and if any of the
26 powers vested with the general assembly pursuant to chapter 536,
27 RSMo, to review, to delay the effective date or to disapprove and
28 annul a rule are subsequently held unconstitutional, then the

1 grant of rulemaking authority and any rule proposed or adopted
2 after August 28, 2001, shall be invalid and void.

3 4. Any person who violates the provisions of this section
4 is guilty of [a class C misdemeanor] an infraction.

5 5. Any vehicle licensed with a historical license plate
6 shall be exempt from the requirements of this section.

7 307.195. 1. No person shall operate a motorized bicycle on
8 any highway or street in this state unless the person has a valid
9 license to operate a motor vehicle.

10 2. No motorized bicycle may be operated on any public
11 thoroughfare located within this state which has been designated
12 as part of the federal interstate highway system.

13 3. Violation of this section shall be deemed [a class C
14 misdemeanor] an infraction.

15 307.198. 1. Every all-terrain vehicle, except those used
16 in competitive events, shall have the following equipment:

17 (1) A lighted headlamp and tail lamp which shall be in
18 operation at any time in which an all-terrain vehicle is being
19 used on any street or highway in this state pursuant to section
20 304.013, RSMo;

21 (2) An equilateral triangular emblem, to be mounted on the
22 rear of such vehicle at least two feet above the roadway when
23 such vehicle is operated upon any street or highway pursuant to
24 section 300.348, RSMo, or 304.013, RSMo. The emblem shall be
25 constructed of substantial material with a fluorescent
26 yellow-orange finish and a reflective, red border at least one
27 inch in width. Each side of the emblem shall measure at least
28 ten inches;

1 (3) A braking system maintained in good operating
2 condition;

3 (4) An adequate muffler system in good working condition,
4 and a United States Forest Service qualified spark arrester.

5 2. A violation of this section shall be [a class C
6 misdemeanor] an infraction.

7 307.365. 1. No permit for an official inspection station
8 shall be assigned or transferred or used at any location other
9 than therein designated and every permit shall be posted in a
10 conspicuous place at the location designated. The superintendent
11 of the Missouri state highway patrol shall design and furnish
12 each official inspection station, at no cost, one official sign
13 made of metal or other durable material to be displayed in a
14 conspicuous location to designate the station as an official
15 inspection station. Additional signs may be obtained by an
16 official inspection station for a fee equal to the cost to the
17 state. Each inspection station shall also be supplied with one
18 or more posters which must be displayed in a conspicuous location
19 at the place of inspection and which informs the public that
20 required repairs or corrections need not be made at the
21 inspection station.

22 2. No person operating an official inspection station
23 pursuant to the provisions of sections 307.350 to 307.390 may
24 issue a certificate of inspection and approval for any vehicle
25 except upon an official form furnished by the superintendent of
26 the Missouri state highway patrol for that purpose and only after
27 inspecting the vehicle and determining that its brakes, lighting
28 equipment, signaling devices, steering mechanisms, horns,

1 mirrors, windshield wipers, tires, wheels, exhaust system,
2 glazing, air pollution control devices, fuel system and any other
3 safety equipment as required by the state are in proper condition
4 and adjustment to be operated upon the public highways of this
5 state with safety to the driver or operator, other occupants
6 therein, as well as other persons and property upon the highways,
7 as provided by sections 307.350 to 307.390 and the regulations
8 prescribed by the superintendent of the Missouri state highway
9 patrol. Brakes may be inspected for safety by means of visual
10 inspection or computerized brake testing. No person operating an
11 official inspection station shall furnish, loan, give or sell a
12 certificate of inspection and approval to any other person except
13 those entitled to receive it under provisions of sections 307.350
14 to 307.390. No person shall have in such person's possession any
15 certificate of inspection and approval and/or inspection sticker
16 with knowledge that the certificate and/or inspection sticker has
17 been illegally purchased, stolen or counterfeited.

18 3. The superintendent of the Missouri state highway patrol
19 may require officially designated stations to furnish reports
20 upon forms furnished by the superintendent for that purpose as
21 the superintendent considers reasonably necessary for the proper
22 and efficient administration of sections 307.350 to 307.390.

23 4. If, upon inspection, defects or unsafe conditions are
24 found, the owner may correct them or shall have them corrected at
25 any place the owner chooses within twenty days after the defect
26 or unsafe condition is found, and shall have the right to remove
27 the vehicle to such place for correction, but before the vehicle
28 is operated thereafter upon the public highways of this state, a

1 certificate of inspection and approval must be obtained. The
2 inspecting personnel of the official inspection station must
3 inform the owner that the corrections need not be made at the
4 inspection station.

5 5. A fee, not to exceed twelve dollars, as determined by
6 each official inspection station, may be charged by an official
7 inspection station for each official inspection including the
8 issuance of the certificate of inspection and approval, sticker,
9 seal or other device and a total fee, not to exceed ten dollars,
10 as determined by each official inspection station, may be charged
11 for an official inspection of a trailer or motorcycle, which
12 shall include the issuance of the certificate of inspection and
13 approval, sticker, seal or other device. Such fee shall be
14 conspicuously posted on the premises of each such official
15 inspection station. No owner shall be charged an additional
16 inspection fee upon having corrected defects or unsafe conditions
17 found in an inspection completed within the previous twenty
18 consecutive days, excluding Saturdays, Sundays and holidays, if
19 such follow-up inspection is made by the station making the
20 initial inspection. Every inspection for which a fee is charged
21 shall be a complete inspection, and upon completion of the
22 inspection, if any defects are found the owner of the vehicle
23 shall be furnished a list of the defects and a receipt for the
24 fee paid for the inspection. If the owner of a vehicle decides
25 to have any necessary repairs or corrections made at the official
26 inspection station, the owner shall be furnished a written
27 estimate of the cost of such repairs before such repairs or
28 corrections are made by the official inspection station. The

1 written estimate shall have plainly written upon it that the
2 owner understands that the corrections need not be made by the
3 official inspection station and shall have a signature line for
4 the owner. The owner must sign below the statement on the
5 signature line before any repairs are made.

6 6. Certificates of inspection and approval, sticker, seal
7 or other device shall be purchased by the official inspection
8 stations from the superintendent of the Missouri state highway
9 patrol. The superintendent of the Missouri state highway patrol
10 shall collect a fee of one dollar and fifty cents for each
11 certificate of inspection, sticker, seal or other device issued
12 to the official inspection stations, except that no charge shall
13 be made for certificates of inspection, sticker, seal or other
14 device issued to official inspection stations operated by
15 governmental entities. All fees collected shall be deposited in
16 the state treasury with one dollar of each fee collected credited
17 to the state highway fund and, for the purpose of administering
18 and enforcing the state motor vehicle laws and traffic
19 regulations, fifty cents credited to the "Highway Patrol
20 Inspection Fund" which is hereby created. The moneys collected
21 and deposited in the highway patrol inspection fund shall be
22 expended subject to appropriations by the general assembly for
23 the administration and enforcement of sections 307.350 to 307.390
24 by the Missouri state highway patrol. The unexpended balance in
25 the fund at the end of each biennium exceeding the amount of the
26 appropriations from the fund for the first two fiscal years shall
27 be transferred to the state road fund, and the provisions of
28 section 33.080, RSMo, relating to the transfer of funds to the

1 general revenue fund at the end of the biennium, shall not apply
2 to the fund.

3 7. The owner or operator of any inspection station who
4 discontinues operation during the period that a station permit is
5 valid or whose station permit is suspended or revoked shall
6 return all official signs and posters and any current unused
7 inspection stickers, seals or other devices to the superintendent
8 of the Missouri state highway patrol and shall receive a full
9 refund on request except for official signs and posters, provided
10 the request is made during the calendar year or within sixty days
11 thereafter in the manner prescribed by the superintendent of the
12 Missouri state highway patrol. Stations which have a valid
13 permit shall exchange unused previous year issue inspection
14 stickers and/or decals for an identical number of current year
15 issue, provided the unused stickers and/or decals are submitted
16 for exchange not later than April thirtieth of the current
17 calendar year, in the manner prescribed by the superintendent of
18 the Missouri state highway patrol.

19 8. Notwithstanding the provisions of section 307.390 to the
20 contrary, a violation of this section shall be a class C
21 misdemeanor.

22 307.375. 1. The owner of every bus used to transport
23 children to or from school in addition to any other inspection
24 required by law shall submit the vehicle to an official
25 inspection station, and obtain a certificate of inspection,
26 sticker, seal or other device annually, but the inspection of the
27 vehicle shall not be made more than sixty days prior to operating
28 the vehicle during the school year. The inspection shall, in

1 addition to the inspection of the mechanism and equipment
2 required for all motor vehicles under the provisions of sections
3 307.350 to 307.390, include an inspection to ascertain that the
4 following items are correctly fitted, adjusted, and in good
5 working condition:

6 (1) All mirrors, including crossview, inside, and outside;

7 (2) The front and rear warning flashers;

8 (3) The stop signal arm;

9 (4) The crossing control arm on public school buses
10 required to have them pursuant to section 304.050, RSMo;

11 (5) The rear bumper to determine that it is flush with the
12 bus so that hitching of rides cannot occur;

13 (6) The exhaust tailpipe shall be flush with or may extend
14 not more than two inches beyond the perimeter of the body or
15 bumper;

16 (7) The emergency doors and exits to determine them to be
17 unlocked and easily opened as required;

18 (8) The lettering and signing on the front, side and rear
19 of the bus;

20 (9) The service door;

21 (10) The step treads;

22 (11) The aisle mats or aisle runners;

23 (12) The emergency equipment which shall include as a
24 minimum a first aid kit, flares or fuses, and a fire
25 extinguisher;

26 (13) The seats, including a determination that they are
27 securely fastened to the floor;

28 (14) The emergency door buzzer;

1 (15) All hand hold grips;

2 (16) The interior glazing of the bus.

3 2. In addition to the inspection required by subsection 1
4 of this section, the Missouri state highway patrol shall conduct
5 an inspection after February first of each school year of all
6 vehicles required to be marked as school buses under section
7 304.050, RSMo. This inspection shall be conducted by the
8 Missouri highway patrol in cooperation with the department of
9 elementary and secondary education and shall include, as a
10 minimum, items in subsection 1 of this section and the following:

11 (1) The driver seat belts;

12 (2) The heating and defrosting systems;

13 (3) The reflectors;

14 (4) The bus steps;

15 (5) The aisles;

16 (6) The frame.

17 3. If, upon inspection, conditions which violate the
18 standards in subsection 2 of this section are found, the owner or
19 operator shall have them corrected in ten days and notify the
20 superintendent of the Missouri state highway patrol or those
21 persons authorized by the superintendent. If the defects or
22 unsafe conditions found constitute an immediate danger, the bus
23 shall not be used until corrections are made and the
24 superintendent of the Missouri state highway patrol or those
25 persons authorized by the superintendent are notified.

26 4. The Missouri highway patrol may inspect any school bus
27 at any time and if such inspection reveals a deficiency affecting
28 the safe operation of the bus, the provisions of subsection 3 of

1 this section shall be applicable.

2 5. Notwithstanding the provisions of section 307.390 to the
3 contrary, a violation of this section shall be a class C
4 misdemeanor.

5 307.390. 1. Any person who violates any provision of
6 sections 307.350 to 307.390 is guilty of [a misdemeanor] an
7 infraction and upon [conviction] plea or finding of guilt shall
8 be punished as provided by law.

9 2. The superintendent of the Missouri state highway patrol
10 may assign qualified persons who are not highway patrol officers
11 to investigate and enforce motor vehicle safety inspection laws
12 and regulations pursuant to sections 307.350 to 307.390 and
13 sections 643.300 to 643.355, RSMo. A person assigned by the
14 superintendent pursuant to the authority granted by this
15 subsection shall be designated a motor vehicle inspector and
16 shall have limited powers to issue a uniform complaint and
17 summons for a violation of the motor vehicle inspection laws and
18 regulations. A motor vehicle inspector shall not have authority
19 to exercise the power granted in this subsection until such
20 inspector successfully completes training provided by, and to the
21 satisfaction of, the superintendent.

22 307.400. 1. It is unlawful for any person to operate any
23 commercial motor vehicle as defined in Title 49, Code of Federal
24 Regulations, Part 390.5, either singly or in combination with a
25 trailer, as both vehicles are defined in Title 49, Code of
26 Federal Regulations, Part 390.5, unless such vehicles are
27 equipped and operated as required by Parts 390 through 397, Title
28 49, Code of Federal Regulations, as such regulations have been

1 and may periodically be amended, whether intrastate
2 transportation or interstate transportation. Members of the
3 Missouri state highway patrol are authorized to enter the cargo
4 area of a commercial motor vehicle or trailer to inspect the
5 contents when reasonable grounds exist to cause belief that the
6 vehicle is transporting hazardous materials as defined by Title
7 49 of the Code of Federal Regulations. The director of the
8 department of public safety is hereby authorized to further
9 regulate the safety of commercial motor vehicles and trailers as
10 he deems necessary to govern and control their operation on the
11 public highways of this state by promulgating and publishing
12 rules and regulations consistent with this chapter. Any such
13 rules shall, in addition to any other provisions deemed necessary
14 by the director, require:

15 (1) Every commercial motor vehicle and trailer and all
16 parts thereof to be maintained in a safe condition at all times;

17 (2) Accidents arising from or in connection with the
18 operation of commercial motor vehicles and trailers to be
19 reported to the department of public safety in such detail and in
20 such manner as the director may require.

21
22 Except for the provisions of subdivisions (1) and (2) of this
23 subsection, the provisions of this section shall not apply to any
24 commercial motor vehicle operated in intrastate commerce and
25 licensed for a gross weight of sixty thousand pounds or less when
26 used exclusively for the transportation of solid waste or
27 forty-two thousand pounds or less when the license plate has been
28 designated for farm use by the letter "F" as authorized by the

1 Revised Statutes of Missouri, unless such vehicle is transporting
2 hazardous materials as defined in Title 49, Code of Federal
3 Regulations.

4 2. Notwithstanding the provisions of subsection 1 of this
5 section to the contrary, Part 391, Subpart E, Title 49, Code of
6 Federal Regulations, relating to the physical requirements of
7 drivers shall not be applicable to drivers in intrastate
8 commerce, provided such drivers were licensed by this state as
9 chauffeurs to operate commercial motor vehicles on May 13, 1988.
10 Persons who are otherwise qualified and licensed to operate a
11 commercial motor vehicle in this state may operate such vehicle
12 intrastate at the age of eighteen years or older, except that any
13 person transporting hazardous material must be at least
14 twenty-one years of age.

15 3. Commercial motor vehicles and drivers of such vehicles
16 may be placed out of service if the vehicles are not equipped and
17 operated according to the requirements of this section. Criteria
18 used for placing vehicles and drivers out of service are the
19 North American Uniform Out-of-Service Criteria adopted by the
20 Commercial Vehicle Safety Alliance and the United States
21 Department of Transportation, as such criteria have been and may
22 periodically be amended.

23 4. Notwithstanding the provisions of subsection 1 of this
24 section to the contrary, Part 395, Title 49, Code of Federal
25 Regulations, relating to the hours of drivers, shall not apply to
26 any vehicle owned or operated by any public utility, rural
27 electric cooperative or other public service organization, or to
28 the driver of such vehicle, while providing restoration of

1 essential utility services during emergencies and operating
2 intrastate. For the purposes of this subsection, the term
3 "essential utility services" means electric, gas, water,
4 telephone and sewer services.

5 5. Part 395, Title 49, Code of Federal Regulations,
6 relating to the hours of drivers, shall not apply to drivers
7 transporting agricultural commodities or farm supplies for
8 agricultural purposes in this state if such transportation:

9 (1) Is limited to an area within a one hundred air mile
10 radius from the source of the commodities or the distribution
11 point for the farm supplies; and

12 (2) Is conducted during the planting and harvesting season
13 within this state, as defined by the department of public safety
14 by regulation.

15 6. The provisions of Part 395.8, Title 49, Code of Federal
16 Regulations, relating to recording of a driver's duty status,
17 shall not apply to drivers engaged in agricultural operations
18 referred to in subsection 5 of this section, if the motor carrier
19 who employs the driver maintains and retains for a period of six
20 months accurate and true records showing:

21 (1) The total number of hours the driver is on duty each
22 day; and

23 (2) The time at which the driver reports for, and is
24 released from, duty each day.

25 7. Notwithstanding the provisions of subsection 1 of this
26 section to the contrary, Parts 390 through 397, Title 49, Code of
27 Federal Regulations shall not apply to commercial motor vehicles
28 operated in intrastate commerce to transport property, which have

1 a gross vehicle weight rating or gross combination weight rating
2 of twenty-six thousand pounds or less. The exception provided by
3 this subsection shall not apply to vehicles transporting
4 hazardous materials or to vehicles designed to transport sixteen
5 or more passengers including the driver as defined by Title 49 of
6 the Code of Federal Regulations. Nothing in this subsection
7 shall be construed to prohibit persons designated by the
8 department of public safety from inspecting vehicles defined in
9 this subsection.

10 8. Violation of any provision of this section or any rule
11 promulgated as authorized therein is [a class B misdemeanor] an
12 infraction.

13 9. [No rule or portion of a rule promulgated under the
14 authority of this chapter shall become effective unless it has
15 been promulgated pursuant to the provisions of section 536.024,
16 RSMo] Any rule or portion of a rule, as that term is defined in
17 section 536.010, RSMo, that is created under the authority
18 delegated in this section shall become effective only if it
19 complies with and is subject to all of the provisions of chapter
20 536, RSMo, and, if applicable, section 536.028, RSMo. This
21 section and chapter 536, RSMo, are nonseverable and if any of the
22 powers vested with the general assembly pursuant to chapter 536,
23 RSMo, to review, to delay the effective date, or to disapprove
24 and annul a rule are subsequently held unconstitutional, then the
25 grant of rulemaking authority and any rule proposed or adopted
26 after August 28, 2009, shall be invalid and void.

27 311.326. After a period of not less than one year, or upon
28 reaching the age of twenty-one, whichever occurs first, a person

1 who has pleaded guilty to or has been found guilty of violating
2 section 311.325 for the first time, and who since such conviction
3 has not been convicted of any other alcohol-related offense, may
4 apply to the court in which he or she was sentenced for an order
5 to expunge all official records of his or her arrest, plea, trial
6 and conviction. No records shall be expunged if the person who
7 has plead guilty to or has been found guilty of violating section
8 311.325 is licensed as a commercial motor vehicle driver or was
9 operating a commercial motor vehicle as defined in section
10 302.700, RSMo, at the time of the violation. If the court
11 determines, upon review, that such person has not been convicted
12 of any other alcohol-related offense at the time of the
13 application for expungement, and the person has had no other
14 alcohol-related enforcement contacts, as defined in section
15 302.525, RSMo, the court shall enter an order of expungement.
16 The effect of such an order shall be to restore such person to
17 the status he or she occupied prior to such arrest, plea or
18 conviction, as if such event had never happened. No person as to
19 whom such order has been entered shall be held thereafter under
20 any provision of any law to be guilty of perjury or otherwise
21 giving a false statement by reason of his or her failure to
22 recite or acknowledge such arrest, plea, trial, conviction or
23 expungement in response to any inquiry made of him or her for any
24 purpose whatsoever. A person shall be entitled to only one
25 expungement pursuant to this section. Nothing contained in this
26 section shall prevent courts or other state officials from
27 maintaining such records as are necessary to ensure that an
28 individual receives only one expungement pursuant to this

1 section.

2 387.040. 1. No motor carrier subject to the provisions of
3 this chapter shall engage or participate in the transportation of
4 passengers or household goods, between points within this state,
5 until its schedules of rates, fares and charges shall have been
6 filed and published in accordance with the provisions of this
7 chapter. Any motor carrier, which shall undertake to perform any
8 service or furnish any product or commodity unless or until the
9 rates, tolls, fares, charges, classifications and rules and
10 regulations relating thereto, applicable to such service, product
11 or commodity, have been filed with the [division of motor carrier
12 and railroad safety] highways and transportation commission and
13 published in accordance with the provisions of this chapter,
14 shall be subject to forfeiture to the state pursuant to the
15 provisions of sections 390.156 to 390.176, RSMo.

16 2. Notwithstanding subsection 1 of this section, a motor
17 carrier shall not be required to file its schedules of rates,
18 fares, and charges for shipments of household goods that are
19 transported wholly or exclusively within a commercial zone as
20 defined in 390.020, RSMo, or within a commercial zone established
21 by the highways and transportation commission pursuant to the
22 provisions of subdivision (4) of section 390.041, RSMo.

23 476.385. 1. The judges of the supreme court may appoint a
24 committee consisting of at least seven associate circuit judges,
25 who shall meet en banc and establish and maintain a schedule of
26 fines to be paid for violations of sections 210.104, 577.070, and
27 577.073, RSMo, and chapters 252, 301, 302, 304, 306, 307 and 390,
28 RSMo, with such fines increasing in proportion to the severity of

1 the violation. The associate circuit judges of each county may
2 meet en banc and adopt the schedule of fines and participation in
3 the centralized bureau pursuant to this section. Notice of such
4 adoption and participation shall be given in the manner provided
5 by supreme court rule. Upon order of the supreme court, the
6 associate circuit judges of each county may meet en banc and
7 establish and maintain a schedule of fines to be paid for
8 violations of municipal ordinances for cities, towns and villages
9 electing to have violations of its municipal ordinances heard by
10 associate circuit judges, pursuant to section 479.040, RSMo; and
11 for traffic court divisions established pursuant to section
12 479.500, RSMo. The schedule of fines adopted for violations of
13 municipal ordinances may be modified from time to time as the
14 associate circuit judges of each county en banc deem advisable.
15 No fine established pursuant to this subsection may exceed the
16 maximum amount specified by statute or ordinance for such
17 violation.

18 2. In no event shall any schedule of fines adopted pursuant
19 to this section include offenses involving the following:

20 (1) Any violation resulting in personal injury or property
21 damage to another person;

22 (2) Operating a motor vehicle while intoxicated or under
23 the influence of intoxicants or drugs;

24 (3) Operating a vehicle with a counterfeited, altered,
25 suspended or revoked license;

26 (4) Fleeing or attempting to elude an officer.

27 3. There shall be a centralized bureau to be established by
28 supreme court rule in order to accept pleas of not guilty or

1 guilty and payments of fines and court costs for violations of
2 the laws and ordinances described in subsection 1 of this
3 section, made pursuant to a schedule of fines established
4 pursuant to this section. The centralized bureau shall collect,
5 with any plea of guilty and payment of a fine, all court costs
6 which would have been collected by the court of the jurisdiction
7 from which the violation originated.

8 4. If a person elects not to contest the alleged violation,
9 the person shall send payment in the amount of the fine and any
10 court costs established for the violation to the centralized
11 bureau. Such payment shall be payable to the "central violations
12 bureau", shall be made by mail or in any other manner established
13 by the centralized bureau, and shall constitute a plea of guilty,
14 waiver of trial and a conviction for purposes of section 302.302,
15 RSMo, and for purposes of imposing any collateral consequence of
16 a criminal conviction provided by law. By paying the fine and
17 costs, the person also consents to attendance at any driver-
18 improvement program or motorcycle-rider training course ordered
19 by the court and consents to verification of such attendance as
20 directed by the bureau. Notwithstanding any provision of law to
21 the contrary, the prosecutor shall not be required to sign any
22 information, ticket or indictment if disposition is made pursuant
23 to this subsection. In the event that any payment is made
24 pursuant to this section by credit card or similar method, the
25 centralized bureau may charge an additional fee in order to
26 reflect any transaction cost, surcharge or fee imposed on the
27 recipient of the credit card payment by the credit card company.

28 5. If a person elects to plead not guilty, such person

1 shall send the plea of not guilty to the centralized bureau. The
2 bureau shall send such plea and request for trial to the
3 prosecutor having original jurisdiction over the offense. Any
4 trial shall be conducted at the location designated by the court.
5 The clerk of the court in which the case is to be heard shall
6 notify in writing such person of the date certain for the
7 disposition of such charges. The prosecutor shall not be
8 required to sign any information, ticket or indictment until the
9 commencement of any proceeding by the prosecutor with respect to
10 the notice of violation.

11 6. In courts adopting a schedule of fines pursuant to this
12 section, any person receiving a notice of violation pursuant to
13 this section shall also receive written notification of the
14 following:

15 (1) The fine and court costs established pursuant to this
16 section for the violation or information regarding how the person
17 may obtain the amount of the fine and court costs for the
18 violation;

19 (2) That the person must respond to the notice of violation
20 by paying the prescribed fine and court costs, or pleading not
21 guilty and appearing at trial, and that other legal penalties
22 prescribed by law may attach for failure to appear and dispose of
23 the violation. The supreme court may modify the suggested forms
24 for uniform complaint and summons for use in courts adopting the
25 procedures provided by this section, in order to accommodate such
26 required written notifications.

27 7. Any moneys received in payment of fines and court costs
28 pursuant to this section shall not be considered to be state

1 funds, but shall be held in trust by the centralized bureau for
2 benefit of those persons or entities entitled to receive such
3 funds pursuant to this subsection. All amounts paid to the
4 centralized bureau shall be maintained by the centralized bureau,
5 invested in the manner required of the state treasurer for state
6 funds by sections 30.240, 30.250, 30.260 and 30.270, RSMo, and
7 disbursed as provided by the constitution and laws of this state.
8 Any interest earned on such fund shall be payable to the director
9 of the department of revenue for deposit into a revolving fund to
10 be established pursuant to this subsection. The state treasurer
11 shall be the custodian of the revolving fund, and shall make
12 disbursements, as allowed by lawful appropriations, only to the
13 judicial branch of state government for goods and services
14 related to the administration of the judicial system.

15 8. Any person who receives a notice of violation subject to
16 this section who fails to dispose of such violation as provided
17 by this section shall be guilty of failure to appear provided by
18 section 544.665, RSMo; and may be subject to suspension of
19 driving privileges in the manner provided by section 302.341,
20 RSMo. The centralized bureau shall notify the appropriate
21 prosecutor of any person who fails to either pay the prescribed
22 fine and court costs, or plead not guilty and request a trial
23 within the time allotted by this section, for purposes of
24 application of section 544.665, RSMo. The centralized bureau
25 shall also notify the department of revenue of any failure to
26 appear subject to section 302.341, RSMo, and the department shall
27 thereupon suspend the license of the driver in the manner
28 provided by section 302.341, RSMo, as if notified by the court.

1 9. In addition to the remedies provided by subsection 8 of
2 this section, the centralized bureau and the courts may use the
3 remedies provided by sections 488.010 to 488.020, RSMo, for the
4 collection of court costs payable to courts, in order to collect
5 fines and court costs for violations subject to this section.

6 488.006. For any infraction, unless otherwise provided by
7 law, all court costs, fees, surcharges, and other miscellaneous
8 charges shall be assessed in the same manner and amount as a
9 misdemeanor.

10 556.021. 1. An offense defined by this code or by any
11 other statute of this state constitutes an "infraction" if it is
12 so designated or if [no other sentence than a fine, or fine and
13 forfeiture or other civil penalty is authorized upon conviction]
14 a violation of the statute can result only in a fine, forfeiture,
15 or other civil penalty, or any combination thereof.

16 2. [An infraction does not constitute a crime and
17 conviction of an infraction shall not give rise to any disability
18 or legal disadvantage based on conviction of a crime.] A
19 determination of whether an infraction has occurred shall be made
20 by the filing of a civil action. The action shall be filed by a
21 person who is authorized to bring a criminal action or an action
22 to enforce an ordinance if the conduct constituted a crime or
23 ordinance violation. The action shall be brought in the name of
24 the state of Missouri or appropriate political subdivision. An
25 infraction violation shall be proven by a preponderance of the
26 evidence but shall not be tried to a jury. If an infraction
27 violation is proven, judgment shall be entered for the plaintiff.

28 3. Notwithstanding any other provision of law to the

1 contrary, it shall be the duty of the operator or driver of any
2 vehicle or the rider of any animal traveling on the roads of this
3 state to stop on signal of any law enforcement officer and to
4 obey any other reasonable signal or direction of such law
5 enforcement officer given in the course of enforcing any
6 infraction. Any person who willfully fails or refuses to obey
7 any signal or direction of a law enforcement officer given in the
8 course of enforcing any infraction, or who willfully resists or
9 opposes a law enforcement officer in the proper discharge of his
10 or her duties in the course of enforcing any infraction, shall be
11 guilty of a class A misdemeanor and on plea or finding of guilt
12 thereof shall be punished as provided by law for such offenses.

13 4. The supreme court of Missouri may promulgate rules for
14 the enforcement of this section.

15 565.081. 1. A person commits the crime of assault of a law
16 enforcement officer, corrections officer, emergency personnel,
17 highway worker in a construction zone or work zone, or probation
18 and parole officer in the first degree if such person attempts to
19 kill or knowingly causes or attempts to cause serious physical
20 injury to a law enforcement officer [or], corrections officer,
21 emergency personnel, highway worker in a construction zone or
22 work zone, or probation and parole officer.

23 2. As used in this section, "emergency personnel" means any
24 paid or volunteer firefighter, emergency room or trauma center
25 personnel, or emergency medical technician as defined in
26 subdivisions (15), (16), [and] (17), and (18) of section 190.100,
27 RSMo.

28 3. As used in this section the term "corrections officer"

1 includes any jailer or corrections officer of the state or any
2 political subdivision of the state.

3 4. When used in this section, the terms "highway worker",
4 "construction zone", or "work zone" shall have the same meaning
5 as such terms are defined in section 304.580, RSMo.

6 5. Assault of a law enforcement officer, corrections
7 officer, emergency personnel, highway worker in a construction
8 zone or work zone, or probation and parole officer in the first
9 degree is a class A felony.

10 565.082. 1. A person commits the crime of assault of a law
11 enforcement officer, corrections officer, emergency personnel,
12 highway worker in a construction zone or work zone, or probation
13 and parole officer in the second degree if such person:

14 (1) Knowingly causes or attempts to cause physical injury
15 to a law enforcement officer, corrections officer, emergency
16 personnel, or probation and parole officer by means of a deadly
17 weapon or dangerous instrument;

18 (2) Knowingly causes or attempts to cause physical injury
19 to a law enforcement officer, corrections officer, emergency
20 personnel, highway worker in a construction zone or work zone, or
21 probation and parole officer by means other than a deadly weapon
22 or dangerous instrument;

23 (3) Recklessly causes serious physical injury to a law
24 enforcement officer, corrections officer, emergency personnel,
25 highway worker in a construction zone or work zone, or probation
26 and parole officer; or

27 (4) While in an intoxicated condition or under the
28 influence of controlled substances or drugs, operates a motor

1 vehicle or vessel in this state and when so operating, acts with
2 criminal negligence to cause physical injury to a law enforcement
3 officer, corrections officer, emergency personnel, highway worker
4 in a construction zone or work zone, or probation and parole
5 officer;

6 (5) Acts with criminal negligence to cause physical injury
7 to a law enforcement officer, corrections officer, emergency
8 personnel, highway worker in a construction zone or work zone, or
9 probation and parole officer by means of a deadly weapon or
10 dangerous instrument;

11 (6) Purposely or recklessly places a law enforcement
12 officer, corrections officer, emergency personnel, highway worker
13 in a construction zone or work zone, or probation and parole
14 officer in apprehension of immediate serious physical injury; or

15 (7) Acts with criminal negligence to create a substantial
16 risk of death or serious physical injury to a law enforcement
17 officer, corrections officer, emergency personnel, highway worker
18 in a construction zone or work zone, or probation and parole
19 officer.

20 2. As used in this section, "emergency personnel" means any
21 paid or volunteer firefighter, emergency room or trauma center
22 personnel, or emergency medical technician as defined in
23 subdivisions (15), (16), [and] (17), and (18) of section 190.100,
24 RSMo.

25 3. As used in this section the term "corrections officer"
26 includes any jailer or corrections officer of the state or any
27 political subdivision of the state.

28 4. When used in this section, the terms "highway worker",

1 "construction zone", or "work zone" shall have the same meaning
2 as such terms are defined in section 304.580, RSMo.

3 5. Assault of a law enforcement officer, corrections
4 officer, emergency personnel, highway worker in a construction
5 zone or work zone, or probation and parole officer in the second
6 degree is a class B felony unless committed pursuant to
7 subdivision (2), (5), (6), or (7) of subsection 1 of this section
8 in which case it is a class C felony. For any violation of
9 subdivision (1), (3), or (4) of subsection 1 of this section, the
10 defendant must serve mandatory jail time as part of his or her
11 sentence.

12 565.083. 1. A person commits the crime of assault of a law
13 enforcement officer, corrections officer, emergency personnel,
14 highway worker in a construction zone or work zone, or probation
15 and parole officer in the third degree if:

16 (1) Such person recklessly causes physical injury to a law
17 enforcement officer, corrections officer, emergency personnel,
18 highway worker in a construction zone or work zone, or probation
19 and parole officer;

20 (2) Such person purposely places a law enforcement officer,
21 corrections officer, emergency personnel, highway worker in a
22 construction zone or work zone, or probation and parole officer
23 in apprehension of immediate physical injury;

24 (3) Such person knowingly causes or attempts to cause
25 physical contact with a law enforcement officer, corrections
26 officer, emergency personnel, highway worker in a construction
27 zone or work zone, or probation and parole officer without the
28 consent of the law enforcement officer [or], corrections officer,

1 emergency personnel, highway worker in a construction zone or
2 work zone, or probation and parole officer.

3 2. As used in this section, "emergency personnel" means any
4 paid or volunteer firefighter, emergency room or trauma center
5 personnel, or emergency medical technician as defined in
6 subdivisions (15), (16), [and] (17), and (18) of section 190.100,
7 RSMo.

8 3. As used in this section the term "corrections officer"
9 includes any jailor or corrections officer of the state or any
10 political subdivision of the state.

11 4. When used in this section, the terms "highway worker",
12 "construction zone", or "work zone" shall have the same meaning
13 as such terms are defined in section 304.580, RSMo.

14 5. Assault of a law enforcement officer, corrections
15 officer, emergency personnel, highway worker in a construction
16 zone or work zone, or probation and parole officer in the third
17 degree is a class A misdemeanor.

18 Section B. Because immediate action is necessary for the
19 immediate preservation of the public health, welfare, peace, and
20 safety, the repeal and reenactment of sections 304.170 and
21 304.260 of section A of this act are hereby declared to be an
22 emergency act within the meaning of the constitution, and the
23 repeal and reenactment of sections 304.170 and 304.260 of section
24 A of this act shall be in full force and effect upon its passage
25 and approval.